


COMMONWEALTH OF VIRGINIA
Department of Environmental Quality
Division of Water Programs Coordination
Larry G. Lawson, P.E., Director

Subject: Guidance Memo No. 03-2005
Small MS4 General Permit Implementation Guidance

To: Regional Directors

From: Larry G. Lawson, P.E., Director



Date: March 3, 2003

Copies: Regional Permit Managers, Regional Water Permit Managers, Regional Compliance and Enforcement Managers, Martin G. Ferguson, Kathleen O'Connell, OWPP Staff

Summary:

The EPA Phase 2 Storm Water Regulations were published in the Federal Register on December 8, 1999, and incorporated into the VPDES Permit Regulation (VAC 25-31-10 et seq.) effective September 27, 2000. This regulations require small municipal separate storm sewer systems (small MS4s) in Urbanized Areas to apply for VPDES permit coverage by March 10, 2003. Small MS4s include systems owned or operated by municipalities, federal facilities (such as military bases), state facilities (such as VDOT, prisons, large hospitals, etc.), and universities. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

DEQ has developed a general permit regulation, 9 VAC 25-750-10 et seq., to cover small MS4s required to be permitted under the Phase 2 regulations. The general permit regulation was adopted by the State Water Control Board on October 3, 2002, and became effective on December 9, 2002. The purpose of this document is to provide guidance to the Regional Offices for the implementation of the small MS4 general permit, VAR040.

Contact information:

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Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, It does not mandate any particular method nor does it prohibit any particular method for the analysis of data, establishment of a wasteload allocation, or establishment of a permit limit. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

Implementation Guidance for the VPDES General Permit VAR040, Storm Water Discharges from Small Municipal Separate Storm Sewer Systems

1. Introduction

The EPA Phase 2 Storm Water Regulations, which were published in the Federal Register on December 8, 1999, and incorporated into the VPDES Permit Regulation (VAC 25-31-10 et seq.) effective September 27, 2000, require small municipal separate storm sewer systems (small MS4s) in Urbanized Areas to apply for VPDES permit coverage by March 10, 2003. Small MS4s include systems owned or operated by municipalities, federal facilities, state facilities, and universities. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

DEQ has developed a general permit regulation, 9 VAC 25-750-10 et seq., to cover small MS4s required to be permitted under the Phase 2 regulations. The general permit regulation was adopted by the State Water Control Board on October 3, 2002, and became effective on December 9, 2002. The purpose of this document is to provide guidance to the Regional Offices for the implementation of the small MS4 general permit, VAR040.

2. Permit Coverage

This general permit covers storm water discharges from regulated small MS4s to surface waters of the State. Unless the MS4 qualifies for a waiver (see below), owners are regulated if they operate a small MS4, and the MS4 is located wholly or partially within an "Urbanized Area" (UA), as determined by the Census Bureau's latest Decennial Census. If the small MS4 is not located entirely within an UA, only the portion that is within the UA is regulated.

Small MS4s include systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings. The determination of whether an MS4 is in a very discrete area will be made on a case-by-case basis by the Region using their knowledge of the area, site visits, and best professional judgement. If we determine that an MS4 is in a very discrete area, they do not require a permit and they do not need to submit an application or a waiver request.

EPA has provided no definition or guidance to help us determine what a "very discrete area" is. EPA did, however, receive several comments on their draft Phase 2 Regulation asking whether individual federal buildings, such as post offices or urban offices of the U.S. Park Service, must apply for coverage as regulated small MS4s. EPA responded to this in the preamble to the final Phase 2 Regulation (64 FR 68749). Most of these buildings have, at most, a parking lot with runoff or a storm sewer that connects with a municipality's MS4. EPA clarified the small MS4 definition to state that small MS4s do not include individual buildings. These buildings may have a municipal separate storm sewer but they do not have a "system" of conveyances. The minimum measures for small MS4s were written to apply to storm sewer "systems" providing storm water drainage service to human populations and not to individual buildings. This is true of municipal separate storm sewers from State buildings as well as from federal buildings.

EPA also stated that there will likely be situations where the permitting authority must decide if a federal or State complex should be regulated as a small MS4. A federal complex of two or three buildings could be treated as a single building and not be required to apply for coverage. In these situations, permitting authorities will have to use their best judgment as to the nature of the complex and its storm water conveyance system. Permitting authorities should also consider whether the federal or State complex cooperates with its municipality's efforts to implement their storm water management program.

Some examples of regulated small MS4s include (but are not limited to) systems operated by:

- federal government** (e.g. - military bases, hospital complexes, prison complexes, parks, airports, office building complexes, road systems, etc.),
- state government** (e.g. - VDOT road systems, prison complexes, hospital complexes, parks, office building complexes, military facilities, etc.),
- public universities**, and
- local governments** and **local "quasi"-governmental systems** (e.g. - local school boards/districts, authorities, airports, other public bodies, etc.)

The table below lists the UAs in Virginia as determined by the Census Bureau using the 2000 Decennial Census data. An Adobe PDF file containing maps of all the UAs in Virginia is included as a companion file to this guidance document. Note that the Census Bureau's UA maps also show Urban Clusters (UCs). Urban Clusters are not regulated under the Phase 2 program. Attachment A-1, listing the 2000 Census Urban Clusters in Virginia that the Census Bureau has identified, is attached for reference.

Virginia Urbanized Areas (UAs) (based on the 2000 Decennial Census)

Code	Name	Population	Area (sq meters)	Population Density
51 08002	Blacksburg, VA	57236	68162796	2174.8
51 10351	Bristol, TN-VA	19972(PT)	38122010	1356.9
51 15724	Charlottesville, VA	81449	97040676	2173.9
51 22258	Danville, VA	50902	84442806	1561.2
51 31600	Fredericksburg, VA	97102	169265629	1485.8
51 37162	Harrisonburg, VA	52647	69133451	1972.3
51 45235	Kingsport, TN-VA	1777(PT)	4731310	972.8
51 52201	Lynchburg, VA	98714	192964087	1325.0
51 74746	Richmond, VA	818836	1131193512	1874.8
51 75421	Roanoke, VA	197442	290009284	1763.3
51 90892	Virginia Beach, VA	1394439	1364409880	2647.0
51 92242	Washington, DC-VA-MD	1789227(PT)	1546719688	2996.1
51 96103	Winchester, VA	53559	85823094	1616.3

UAs include both Phase 1 and Phase 2 localities. The Phase 1 localities that we have permitted are: Arlington, Fairfax, Prince William, Chesterfield, and Henrico Counties, Newport News, Hampton, Norfolk, Virginia Beach, Portsmouth and Chesapeake Cities. Any regulated small MS4 in the urbanized area of one of these localities must be permitted under the Phase 2 regulation.

Localities

EPA published a list of Phase 2 localities located wholly or partially within UAs as Appendix 6 to the Preamble of the Phase 2 Storm Water Regulation. That list was based upon the 1990 Decennial Census data. We have updated the list to reflect the 2000 Census UAs that were published by the Census Bureau in May of 2002, and have included it as Attachment A-2.

If a locality on the Appendix 6 list does not own or operate a separate storm sewer system in the UA, then they are not required to be permitted. However, we should meet with them to determine exactly who does own and operate the various regulated small MS4s in their locality. Most of these systems will probably be operated by VDOT. Even if the locality is not permitted under the program, they probably will still need to coordinate with VDOT on the Storm Water Management Program that VDOT will be putting together for their MS4 operations in the locality.

Public School Districts/Boards

Public school districts/boards within UAs must be considered for permitting under the regulations. School districts/boards are regulated small MS4s if they have separate storm sewer systems at two or more of their schools in the UA. If they have a system at only one school, then we may decide not to permit them since regulated small MS4s do not include separate storm sewers in very discrete areas, such as individual buildings (**NOTE:** this would be a case decision by the Region). The "system" at these schools usually consists of one or more BMPs (usually storm water retention or detention basins), rather than a series of pipes/channels/ditches. The school district/board would apply for one permit for all their schools (those with BMPs) within the UA.

If the school district/board is a division of the local government, and the local government has responsibility for operating and maintaining the MS4s on school property, then no separate permit is necessary for the school district/board.

If the school district/board is responsible for operating and maintaining its own MS4s, then a separate permit is required for the school district/board, unless there is a written agreement between the school district/board and the local government that states that the local government agrees to accept the responsibility for fulfilling the permit requirements. This agreement must be submitted by the school district/board to DEQ in lieu of a permit application, and must be noted by the local government in their Registration Statement.

If the school district/board is in a regulated Phase 1 locality, and the Phase 1 locality included the schools under their permit Storm Water Management Program (SWMP), then we will not issue another permit to the school district/board.

If the regulated Phase 1 locality did not include the schools in their SWMP, then the school district/board is required to be permitted for their MS4s in the UA. The Phase 1 locality can include the schools under their existing SWMP, but there must be a written agreement between the school district/board and the local government that states that the local government agrees to accept the responsibility for fulfilling the permit requirements. This agreement must be submitted by the school district/board to DEQ in lieu of a permit application, and the Phase 1

locality must modify their SWMP to include the school facilities.

If the school district/board applies for an MS4 permit, they may still rely on another regulated Phase 1 or Phase 2 governmental entity to satisfy all of their permit obligations (see the "Sharing Responsibility" section below). Their Registration Statement must state that they are relying on another entity (and they must state who it is) to satisfy all of their permit obligations, and they must submit an application fee with their Registration Statement. We will issue them a permit and enter their data into CEDS, but the school district/board is not required to file Annual Reports with DEQ. The school district/board remains responsible for compliance with the permit obligations if the other entity fails to implement the program on their behalf.

Other Quasi-Governmental Small MS4s in Localities

There may be other public bodies (quasi-governmental entities) in the UA of the locality that need to apply for permits for the storm water discharges from the small MS4s that they operate. Some examples of these entities are (this is not a complete list):

- Airport Authorities
- Port Authorities
- Roadway Authorities
- Sewer/Sanitary Districts
- Flood Control or Drainage Districts
- Bridge Tunnel Commissions

All publicly owned MS4s in UAs are required to be permitted under the Phase 2 storm water regulations. If the quasi-governmental entity is a division of the local government, and the local government has responsibility for operating and maintaining their MS4s, then no separate permit is necessary.

If the quasi-governmental entity is responsible for operating and maintaining its own MS4s, then a separate permit is required for their MS4s, unless there is a written agreement between the entity and the local government that states that the local government agrees to accept the responsibility for fulfilling the permit requirements. This agreement must be submitted by the quasi-governmental entity to DEQ in lieu of a permit application, and must be noted by the local government in their Registration Statement.

If the quasi-governmental entity is in a regulated Phase 1 locality, and the Phase 1 locality included the entity under their permit SWMP, then we will not issue another permit to the quasi-governmental entity.

If the regulated Phase 1 locality did not include the quasi-governmental entity in their SWMP, then the entity is required to be permitted for their MS4s in the UA. The Phase 1 locality can include the entity under their existing SWMP, but there must be a written agreement between the quasi-governmental entity and the local government that states that the local government agrees to accept the responsibility for fulfilling the permit requirements. This agreement must be submitted by the quasi-governmental entity to DEQ in lieu of a permit application, and the Phase 1 locality must modify their SWMP to include the entity's system.

If the quasi-governmental entity applies for an MS4 permit, they may still rely on another regulated Phase 1 or Phase 2 governmental entity to satisfy all of their permit obligations (see the "Sharing Responsibility" section below). Their Registration Statement must state that they are relying on another entity (and they must state who it is) to satisfy all of their permit obligations, and they must submit an application fee with their Registration Statement. We will issue them a permit and enter their data into CEDS, but the quasi-governmental entity is not required to file Annual Reports with DEQ. The quasi-governmental entity remains responsible for compliance with the permit obligations if the other entity fails to implement the program on their behalf.

Some quasi-governmental entities may have existing storm water permits for industrial activity discharges at their facilities. These entities will still need to file an MS4 permit application if they operate a small MS4 at the facility. If the entity has an individual storm water permit for their industrial activity storm water discharges, the small MS4 requirements could be incorporated into that permit when it comes up for reissuance. If their individual permit application is not due before 03/10/2003, then they must apply for the small MS4 general permit. When the individual industrial activity permit comes up for reissuance, the small MS4 permit requirements could be added at that time, and the general permit terminated.

Associations (such as homeowners associations) will not be routinely permitted under this program. If storm water discharges from an association's MS4 are causing water quality problems in State waters, or contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the VPDES storm water program, then we would consider designating them, on a case-by-case basis, for inclusion into the program (see the "MS4 Designations by the Board" section below).

Federal Facilities and Military Bases

Federal facilities that operate MS4s in UAs are required to be permitted under the Phase 2 regulations. Federal facilities might include military bases, hospital complexes, prison complexes, parks, airports, office building complexes, road systems, etc. Federal facilities in a UA that are under the same administrative control (such as the Naval facilities in the Tidewater area, or Post Offices in a UA) could be covered under a single small MS4 permit for all of their MS4 operations. If the administrator for those facilities wishes to get several permits (or permits for each of their facilities), that would also be acceptable.

If the federal facility is a single building (like a post office), or their storm sewer system consists of a single BMP, then we may decide not to permit them since regulated small MS4s do not include separate storm sewers in very discrete areas, such as individual buildings. (**NOTE:** this would be a case decision by the Region, and this does not apply to federal facilities under the same administrative control in a UA.)

Some federal facilities may have existing storm water permits for industrial activity discharges at their facilities. These facilities will still need to file an MS4 permit application if they operate a small MS4 at the facility. If the facility has an individual storm water permit for their industrial activity storm water discharges, the small MS4 requirements could be incorporated into that permit when it comes up for reissuance. If their individual permit application is not due before 03/10/2003, then they must apply for the small MS4 general permit. When the individual

industrial activity permit comes up for reissuance, the small MS4 permit requirements could be added at that time, and the general permit terminated.

State Facilities (Including VDOT) and Universities

State facilities and public universities that have an MS4 in a UA may also be required to be permitted under the Phase 2 regulations. State facilities might include prison complexes, hospital complexes, parks, office building complexes, military facilities, etc. VDOT is specifically mentioned in the regulation.

VDOT owns/operates MS4s in all the localities listed in Appendix 6, as well as in the eleven permitted Phase 1 localities. They will need to apply for permits for their small MS4 operations in each of the thirteen UAs in Virginia. VDOT's District Offices should file an application for each UA in their district. The application should be sent to the DEQ Regional Office that serves the area where the urbanized area is located, not where the VDOT District Office is located. Attachment B contains two maps: (1) showing UAs in Virginia and the DEQ Regional Offices; and, (2) showing UAs in Virginia and the VDOT Districts.

Public colleges and universities that operate their own MS4s may need to be permitted for their operations in UAs. Attachment C-1 contains a list of public colleges and universities that are potentially located in UAs in Virginia. This list was taken from the internet, so there may be omissions. Regional Offices should use their knowledge of their areas to determine exactly which entities may need to be covered. Attachment C-2 contains a directory of all the colleges and universities (both public and private) having campuses in Virginia that were listed on the internet.

3. Petitions and MS4 Designations by the Board

The Phase 2 regulation allows the Board to **designate** small MS4s for coverage under the program.

EPA published a list of localities in Appendix 7 to the Preamble of the Phase 2 Storm Water Regulation which were required to be evaluated for possible designation as regulated small MS4s. We modified that list based upon the 2000 Census UAs and moved five of the "potentially" designated localities up to the Appendix 6 "automatically" designated list. DEQ was supposed to develop a "criteria and process" for evaluating the potentially designated localities, and make designations by 12/09/2002. We discussed this issue and decided that we do not have enough information or data at this time to develop the criteria and process, or to justify designating any of the potentially designated MS4s. We decided not to make a designation decision on any of the potentially designated MS4s, and let EPA's 12/09/2002 deadline pass. However, EPA Region 3 has the option to designate these localities if they choose to do so.

The Phase 2 regulation allows us to designate any small MS4 for permitting that contributes substantially to the pollutant loadings of a physically interconnected municipal separate storm sewer that is regulated by the VPDES storm water program.

The Phase 2 regulation also allows any person to **petition** the Director for the designation of a

large, medium, or small MS4 into the program. For large and medium MS4 petitions, the Director has 90 days to make a final determination on the petition. For small MS4s, the Director has 180 days to make a final determination on the petition. If we do not make a determination within the allotted time period, EPA may make a determination on the petition.

Since we have not developed a criteria and process for evaluating potentially designated small MS4s, the Regions should evaluate on a case-by-case basis any petitions for designation we receive using all available water quality information for the MS4.

4. Waivers

The Phase 2 regulation (and the small MS4 GP regulation) allows DEQ to waive permit coverage for small MS4s if they meet one of the criteria (a or b) below. If a waiver is received by the small MS4, the owner may subsequently be required to seek coverage under a VPDES permit if circumstances change. Waiver requests must be submitted to DEQ by the small MS4s. Each waiver request must be evaluated as discussed below. The Regional Offices cannot issue a "blanket" waiver to categories of small MS4s.

a. MS4s Serving a Population of Less Than 1,000 Within the Urbanized Area

We may waive permit coverage if the MS4 serves a population of less than 1,000 within the urbanized area and meets the following criteria:

1. The system is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the VPDES storm water program; and
2. If pollutants are discharged that have been identified as a cause of impairment of any water body to which the MS4 discharges, storm water controls are not needed based on wasteload allocations that are part of a DEQ established and EPA approved TMDL that addresses the pollutants of concern.

The population specification for this waiver is "less than 1,000 *within the urbanized area*". For non-municipal MS4s, we will determine the "population" served as follows:

Non-municipal small MS4s - Resident and employee population within the fence line of the facility.

Schools/Universities - Full and part-time student and employee population.

Hospitals/Medical Facilities - The number of beds and the employee population.

This population determination is consistent with EPA's discussion regarding the interpretation of "public" for Department of Defense (DOD) facilities that is in the Preamble to EPA's Phase 2 Regulation (64 FR 68749).

The criteria listed above must be met to qualify for this waiver. DEQ may waive the permit requirements for any small MS4 with a population less than 1,000 that does not contribute substantially to the pollutant loadings of a physically interconnected MS4, unless the small MS4 discharges pollutants that have been identified as a cause of impairment of the waters to which the small MS4 discharges. If the small MS4 does discharge pollutants that have been identified as impairing the water body into which the small MS4 discharges, DEQ may grant a waiver only if we determine that storm water controls are not needed based on a TMDL that addresses the

pollutant(s) of concern. The regulation requires an analysis to support the waiver for MS4s under 1,000 only if a waterbody to which the MS4 discharges has been identified as impaired.

DEQ is responsible for the assessment of the extent to which a small MS4's discharge contributes substantial pollutants to a neighboring regulated MS4. Many small MS4s will connect to storm sewers associated with roadways, which are operated by either permitted Phase 1 localities, VDOT (who will be permitted under Phase 2), or Phase 2 permitted localities. Determinations of the extent to which a small MS4's discharge is contributing substantial pollutants to a neighboring regulated MS4 will be made on a case-by-case basis using any available data, site visits, and best professional judgement.

DEQ is ultimately responsible for granting the waiver, but we are free to determine whether or not to require small MS4 operators that are seeking waivers to submit information or a written certification.

b. MS4s Serving a Population Under 10,000

We may waive permit coverage if the MS4 serves a population under 10,000 and meets the following criteria:

1. DEQ has evaluated all surface waters, including small streams, tributaries, lakes, and ponds, that receive a discharge from the MS4;
2. For all such waters, DEQ has determined that storm water controls are not needed based on wasteload allocations that are part of a DEQ established and EPA approved TMDL that addresses the pollutants of concern or, if a TMDL has not been developed and approved, an equivalent analysis that determines sources and allocations for the pollutants of concern;
3. For the purpose of this subdivision, the pollutants of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the MS4; and
4. DEQ has determined that future discharges from the MS4 do not have the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.

The population specification for this waiver is between 1,000 and 10,000 (*it does not specify that it must be in the urbanized area!*). For non-municipal MS4s, we will determine the "population" served the same as for the "less than 1,000" waiver above.

The criteria listed above must be met to qualify for this waiver. We may grant a waiver to an MS4 serving a population between 1,000 and 10,000 only if we have made a comprehensive effort to ensure that the MS4 will not cause or contribute to water quality impairment. To grant this waiver, we must evaluate all waters of the State that receive a discharge from the MS4 and determine that storm water controls are not needed. Our evaluation must be based on wasteload allocations that are part of a DEQ established and EPA approved TMDL or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutant(s) of concern. The pollutants of concern that we must evaluate include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total

suspended solids, turbidity or siltation), pathogens, oil and grease, and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the MS4. Finally, we must have determined that future discharges from the MS4 do not have the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.

This waiver is available for larger MS4s, but only after we affirmatively establish a lack of impairment based upon a comprehensive analysis of smaller urban waters that might not otherwise be evaluated for the purposes of CWA section 303. Since this waiver requires the analysis of waters that have not been identified as impaired, an actual TMDL is not required and an analysis that is the equivalent of a TMDL can suffice to support the waiver.

Again, DEQ is ultimately responsible for granting the waiver, but we are free to determine whether or not to require small MS4 operators that are seeking waivers to submit information.

5. Applications

Owners of regulated small MS4s that are applying for coverage under this general permit must submit a complete Registration Statement to the Regional Office by March 10, 2003 (see the "Late Registrations" section below). Owners of regulated small MS4s that have been designated for coverage by the Board that are applying for coverage under this general permit must submit a complete Registration Statement to the Regional Office within 180 days of notice of designation, unless the Board grants a later date.

Owners can fill in the Registration Statement form "on-line" at the following web address:

<http://www.deq.state.va.us/forms/smmunicipal.html> Once the owner fills in the form, he must print it out, sign it and send it in to the DEQ Regional Office, along with all the required attachments, the Fee Form and the appropriate permit fee. Currently there is no process in place to automatically transfer the information that is entered on-line into CEDS.

Owners do not have to use our Registration Form (**SWGP-MS4-001-RS** - see Attachment F) to apply, but they must include all of the following information:

1. The name and location (county or city name) of the regulated small MS4 for which the Registration Statement is submitted,
2. The name, address, and telephone number of the owner of the regulated small MS4,
3. The name(s) of the receiving water(s),
4. The best management practices (BMPs) that the owner or another entity proposes to implement for each of the storm water minimum control measures,
5. The measurable goals for each of the BMPs including, as appropriate, the years in which the required actions will be undertaken, including interim milestones and the frequency of the action; and,
6. The person or persons responsible for implementing or coordinating the storm water management program.
7. The following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information

submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The fee schedule for this general permit is as follows:

December 9, 2002	- June 8, 2003	\$600
June 9, 2003	- June 8, 2004	\$480
June 9, 2004	- June 8, 2005	\$360
June 9, 2005	- June 8, 2006	\$240
June 9, 2006	- June 8, 2007	\$120
June 9, 2007	- December 8, 2007	\$ 0

Note that application fees are only refundable if the permittee withdraws the application prior to the Regional Office deeming it complete.

When we receive a Registration Statement from a small MS4 owner we need to first determine if it is administratively complete:

- (1) Did they use our form? If so, is it completely filled out, correctly filled out, and signed appropriately? If they did not use our form, did they include all the required information?
- (2) Did they include all the required attachments: BMPs for each of the six management measures; Measurable Goals for each identified BMP; the timing of when the required actions will be undertaken (year); and, Person/entity that will be implementing the storm water management program (or parts thereof)?
- (3) Did they include the fee form and appropriate fee?

Once we determine that the application is administratively complete, we need to review it for content. MS4 applications will all be unique because no two systems are alike. We will see applications from fairly large cities with complex systems and lots of major outfalls, down to very small systems consisting of a few BMPs. Therefore, applications will be hard to review, and there is no real guidance that can help the permit writer with the task.

Permit writers should review the proposed BMPs to make sure they are "reasonable", but there is no real right or wrong here because the BMPs should be specific to the system and the Storm Water Management Program that the owner is developing. If there are blanks or sections that are obviously inadequate, then we can require the applicant to fix those sections. Otherwise, unless we have other information to base a judgement on, we should pretty much accept what the owner has proposed.

If the owner will be relying on another entity to handle one or more of their management measures, this should be noted (along with the name of the entity) in the Registration Statement (see the "Sharing Responsibility" section below).

Late Registrations

Small MS4 applications are due to the DEQ Regional Offices by Monday, March 10, 2003.

However, there may be regulated small MS4s that do not apply by the deadline, for one reason or another. On March 11th, if we have not heard from a small MS4 that we believe is required to be permitted, then we should contact them to determine their situation. The regulation does not have any provision built in for late registrations, so we will need to involve the Regional Compliance/Enforcement folks to set a deadline for the permittee to file a late registration.

6. Qualifying State, Tribal or Local Programs

If an existing qualifying local program requires the implementation of one or more of the permit minimum control measures, the permittee may follow that qualifying program's requirements rather than the requirements of the permit. A qualifying local program is a local, State or tribal municipal storm water management program that imposes, at a minimum, the relevant requirements of "Minimum Control Measures" section of the permit.

The permittee's storm water management program must identify and fully describe any qualifying local program that will be used to satisfy one or more of the minimum control measures of the permit.

If the qualifying local program the permittee is using requires the approval of a third party (such as DCR's Erosion and Sediment Control Program, which requires the locality to be consistent with the minimum State requirements), the program must be fully approved by the third party, or the permittee must be working towards getting full approval. Documentation of the qualifying local program's approval status, or the progress towards achieving full approval, must be included in the Annual Report that the permittee must file with the Regional Office by the end of the first, second and fourth years of the permit (see "Evaluation and Assessment" below).

7. Sharing Responsibility

The permittee may rely on another entity to satisfy one or more of the general permit minimum control measure requirements if the following conditions are met:

- (1) the other entity, in fact, implements the control measure;
- (2) the particular control measure, or component thereof, is at least as stringent as the corresponding general permit requirement; and
- (3) the other entity agrees to implement the control measure on behalf of the permittee. The agreement between the parties must be documented in writing and retained by the permittee with the Storm Water Management Program for the duration of the permit.

In the Annual Reports that must be submitted, the permittee must specify that another entity is being relied on to satisfy some of the permit obligations. The permittee remains responsible for compliance with the permit obligations if the other entity fails to implement the control measure (or component thereof).

The permittee may rely on another governmental entity regulated under either the Phase 1 or Phase 2 storm water regulations to satisfy all of their permit obligations, including the obligation to file Annual Reports. In this case, the permittee should file a Registration Statement with us by March 10, 2003, and indicate in the Registration Statement who will be implementing the

program for them. They must also pay the application fee. We will issue them a permit and enter the data into CEDS, but the permittee is not required to file Annual Reports with DEQ. The permittee remains responsible for compliance with the permit obligations if the other entity fails to implement the program on their behalf.

8. Evaluation and Assessment

The general permit requires the permittee to evaluate program compliance, the appropriateness of the identified best management practices, and progress towards achieving the identified measurable goals. The general permit also requires the permittee to submit Annual Reports to DEQ by the end of the first, second and fourth years of the date of coverage under the permit.

The Annual Reports must include the following information:

- a. The status of compliance with permit conditions, an assessment of the appropriateness of the identified best management practices and progress towards achieving the identified measurable goals for each of the minimum control measures;
- b. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;
- c. A summary of the storm water activities the permittee plans to undertake during the next reporting cycle;
- d. A change in any identified best management practices or measurable goals for any of the minimum control measures;
- e. Notice that the permittee is relying on another government entity to satisfy some of the permit obligations (if applicable), and
- f. The approval status of any qualifying local programs (if appropriate), or the progress towards achieving full approval of these programs.

Attachments:

A-1 - 2000 Census - Virginia Urban Clusters (UCs)

A-2 - Localities in Virginia Located Wholly or Partially Within Census Bureau Urbanized Areas

B - Urbanized Areas in Virginia, DEQ Regional Offices and VDOT Districts

C-1 - Public Colleges and Universities Potentially Located in Urbanized Areas

C-2 - All Colleges and Universities (Public and Private) With Campuses in Virginia

D - Small MS4 General Permit Regulation (9 VAC 25-750-10 et seq.).

E - Fact Sheet for the small MS4 regulation.

F - Small MS4 General Permit (VAR040)

G - Small MS4 Registration Statement Form and Instructions

Attachment A-1

2000 Census - Virginia Urban Clusters (UCs)

2000 Census - Virginia Urban Clusters (UCs)

Code	Name	Population	Area (sq meters)	Population Density
51 00361	Abingdon, VA	12716	54784218	601.2
51 01738	Altavista, VA	4593	14052326	846.5
51 06220	Bedford, VA	6754	18786750	931.1
51 07327	Berryville, VA	2973	3821437	2015.0
51 07678	Big Stone Gap, VA	7944	15823808	1300.2
51 08056	Blackstone, VA	3359	4589774	1895.5
51 08515	Bluefield, WV-VA	5290(PT)	14459471	947.5
51 10405	Broadway, VA	4246	8881871	1238.2
51 11053	Brunswick, MD-VA	936(PT)	4716864	513.9
51 11269	Buena Vista, VA	6162	13439878	1187.5
51 15751	Chase City, VA	2511	4124707	1576.7
51 16507	Chincoteague, VA	3819	9380560	1054.4
51 17857	Clifton Forge, VA	5967	11536779	1339.6
51 18424	Coeburn, VA	2804	5335307	1361.2
51 18775	Colonial Beach, VA	4281	8257928	1342.7
51 20746	Covington, VA	8478	19720335	1113.5
51 21124	Crewe, VA	4004	8196280	1265.2
51 21448	Crozet, VA	4614	13333558	896.3
51 21691	Culpeper, VA	9530	14688990	1680.3
51 26956	Elkton, VA	3100	7250758	1107.3
51 27550	Emporia, VA	9336	18280000	1322.8
51 29332	Farmville, VA	6029	8290640	1883.5
51 31438	Franklin, VA	9041	17506921	1337.5
51 31924	Front Royal, VA	13828	19903406	1799.4
51 32248	Galax, VA	6827	16721441	1057.4
51 32680	Gate City, VA	2509	5384798	1206.8
51 35758	Grottoes, VA	3013	6222883	1254.0
51 40159	Horntown, VA	3529	6242140	1464.3
51 46909	Lake Monticello, VA	6031	10696806	1460.3
51 48367	Lawrenceville, VA	4437	7059360	1627.9
51 48718	Lebanon, VA	3073	7307067	1089.2
51 49555	Lexington, VA	7606	9316532	2114.5
51 52093	Luray, VA	4760	10479585	1176.4
51 54712	Marion, VA	9688	19930481	1259.0
51 55252	Martinsville, VA	35807	98610730	940.5
51 56818	Middlesborough, KY-TN-VA	4(PT)	1448818	7.2
51 61138	Narrows, VA	2807	4975523	1461.2
51 64027	Norton--Wise, VA	8327	17169858	1256.1
51 65674	Orange, VA	4032	5740067	1819.3
51 72694	Pulaski, VA	9428	14793498	1650.6
51 72856	Purcellville, VA	6303	12652292	1290.3
51 73207	Radford, VA	23506	33494666	1817.6
51 74584	Richlands, VA	9176	23426421	1014.5
51 76015	Rocky Mount, VA	4398	13600202	837.5
51 82549	Smithfield, VA	8197	24324104	872.8
51 83143	South Boston, VA	8878	19401125	1185.2

2000 Census - Virginia Urban Clusters (UCs) (continued)

Code	Name	Population	Area (sq meters)	Population Density
51 83278	South Hill, VA	4570	11683212	1013.1
51 84520	State Farm (Penal Institution), VA	2687	10206641	681.8
51 84628	Staunton, VA	28049	46885803	1549.4
51 85195	Strasburg, VA	4249	7710904	1427.2
51 85249	Stuarts Draft, VA	3948	10933957	935.2
51 85384	Suffolk, VA	30481	45243879	1744.9
51 86680	Tappahannock, VA	3402	17418162	505.9
51 86815	Tazewell, VA	4519	9813447	1192.7
51 91945	Warrenton, VA	15135	39361407	995.9
51 93349	Waynesboro, VA	25163	54180675	1202.9
51 94456	West Point, VA	2567	6399797	1038.9
51 95239	Wilderness, VA	6391	13403527	1234.9
51 97156	Woodstock, VA	4005	6249783	1659.7
51 97453	Wytheville, VA	6836	20642838	857.7

Attachment A-2

**Localities in Virginia Located Wholly or Partially Within Census Bureau
Urbanized Areas**

Appendices to the Preamble of EPA's 12/08/99 Phase 2 Storm Water Regulation showing the "automatically designated" and "potentially designated" municipalities in Virginia*

(* updated by DEQ to reflect the 2000 Decennial Census "Urbanized Areas"[UAs])

Appendix 6 of Preamble-Governmental Entities Located Fully or Partially Within an Urbanized Area

(This is a reference list only, *not* a list of all operators of small MS4s subject to §§ 122.32–122.36. For example, a listed governmental entity is only regulated if it operates a small MS4 within an "urbanized area" boundary as determined by the Bureau of the Census. Furthermore, entities such as military bases, large hospitals, prison complexes, universities, sewer districts, and highway departments that operate a small MS4 within an urbanized area are also subject to the permitting regulations but are not individually listed here. See § 122.26(b)(16) for the definition of a small MS4 and § 122.32(a) for the definition of a regulated small MS4.) (Source: 1990 Census of Population and Housing, U.S. Bureau of the Census. This list is subject to change with the Decennial Census)

Albemarle County	Lynchburg city	York County
Alexandria city	Manassas city	
Amherst County	Manassas Park city	<u>2000 Census UA Additions</u>
Bedford County	Occoquan town	Ashland town
Botetourt County	Petersburg city	Blacksburg town
Bristol city	Pittsylvania County	Bridgewater town
Campbell County	Poquoson city	Christiansburg town
Charlottesville city	Prince George County	Clifton town
Colonial Heights city	Richmond city	Dayton town
Danville city	Roanoke city	Dumfries town
Dinwiddie County	Roanoke County	Frederick County
Fairfax city	Salem city	Harrisonburg city
Falls Church city	Scott County	Isle of Wight County
Fredericksburg city	Spotsylvania County	Leesburg town
Gate City town	Stafford County	Montgomery County
Gloucester County	Suffolk city	Quantico town
Hanover County	Vienna town	Rockingham County
Herndon town	Vinton town	Stephens City town
Hopewell city	Washington County	Troutville town
James City County	Weber City town	Winchester city
Loudoun County	Williamsburg city	

Appendix 7 of Preamble-Governmental Entities (Located Outside of an Urbanized Area) That Must Be Examined By the NPDES Permitting Authority for Potential Designation Under § 123.35(b)(2)

(All listed entities have a population of at least 10,000 and a population density of at least 1,000. A listed entity would only be potentially designated if it operates a small MS4. See § 122.26(b)(16) for the definition of a small MS4.) (This list does not include all operators of small MS4s that may be designated by the NPDES permitting authority. Operators of small MS4s in areas with populations below 10,000 and densities below 1,000 may also be designated but examination of them is not required. Also, entities such as military bases, large hospitals, prison complexes, universities, sewer districts, and highway departments that operate a small MS4 in an area listed here, or in an area otherwise designated by the NPDES permitting authority, may be designated and become subject to permitting regulations.) (Source: 1990 Census of Population and Housing, U.S. Bureau of the Census. This list is subject to change with the Decennial Census)








Blacksburg town *	Martinsville city	
Christiansburg town *	Radford city	* Moved to "Appendix 6" list
Front Royal town	Staunton city	based upon Census 2000 UAs
Harrisonburg city *	Waynesboro city	
Leesburg town *	Winchester city *	

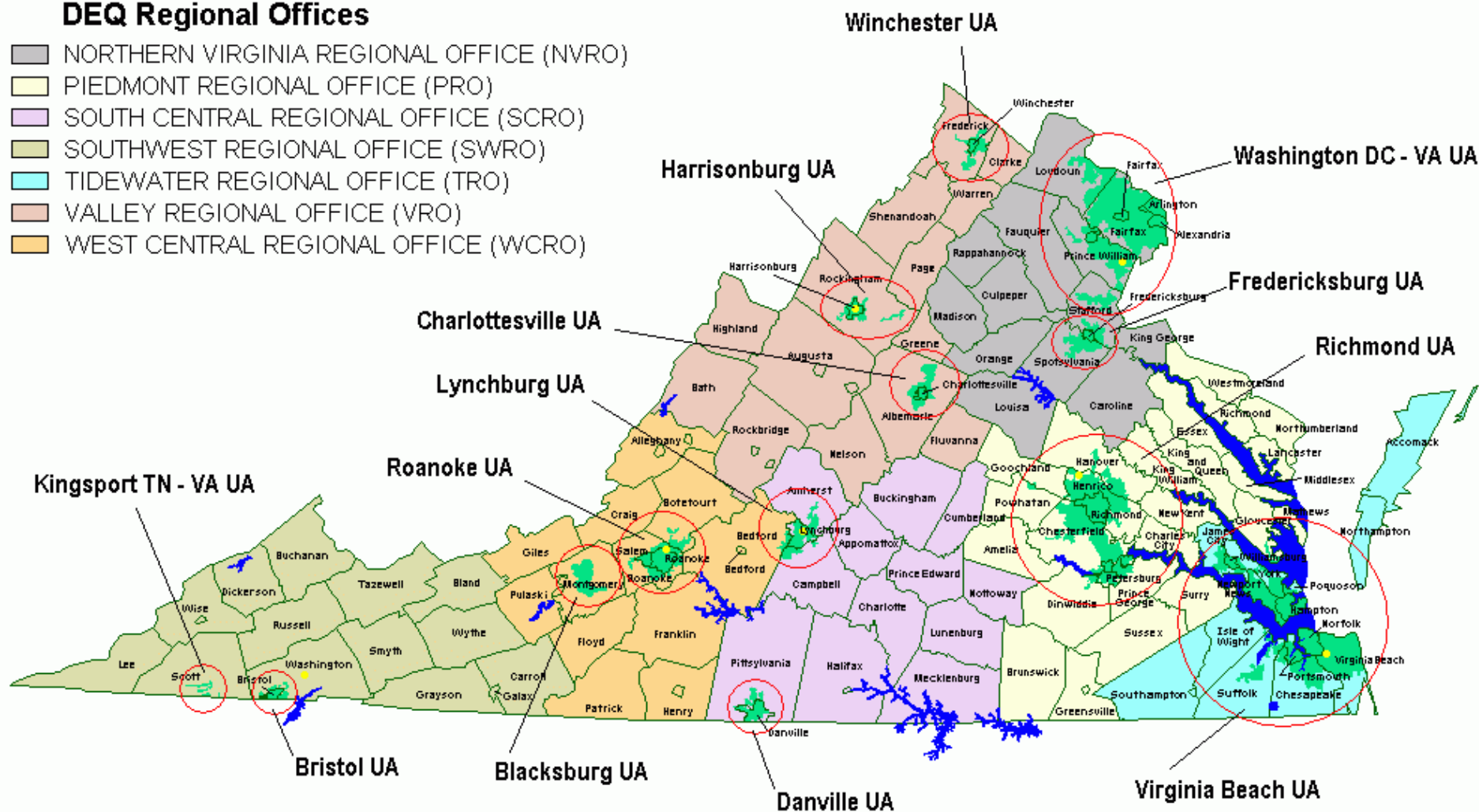
Attachment B

Urbanized Areas in Virginia, DEQ Regional Offices and VDOT Districts

Urbanized Areas and DEQ Regional Offices

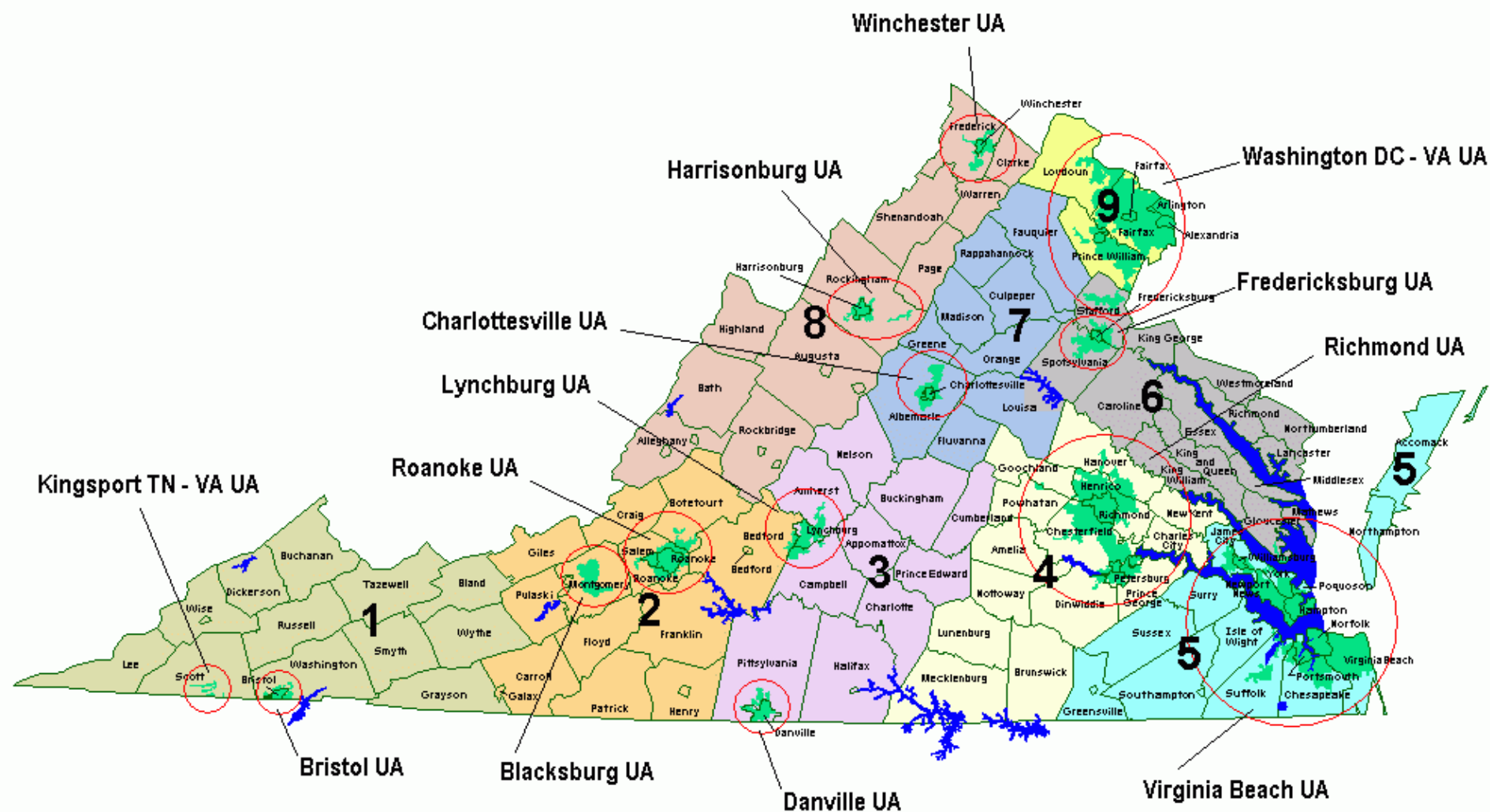
DEQ Regional Offices

-  NORTHERN VIRGINIA REGIONAL OFFICE (NVRO)
-  PIEDMONT REGIONAL OFFICE (PRO)
-  SOUTH CENTRAL REGIONAL OFFICE (SCRO)
-  SOUTHWEST REGIONAL OFFICE (SWRO)
-  TIDEWATER REGIONAL OFFICE (TRO)
-  VALLEY REGIONAL OFFICE (VRO)
-  WEST CENTRAL REGIONAL OFFICE (WCRO)



60 0 60 Miles

Urbanized Areas and VDOT Districts



60 0 60 Miles

Attachment C-1

Public Colleges and Universities Potentially Located in Urbanized Areas

Public Colleges and Universities Potentially Located in Urbanized Areas

Institution Name (Institution Type)

Location

Central Virginia CC
(Public-2 yr)
3506 Wards Rd.
Lynchburg, VA 24502
(804) 832-7600

Christopher Newport University
(Public-4 yr)
One University Pl.
Newport News, VA 23606-2988
(757) 594-7100

College of William and Mary
(Public-4 yr)
P.O. Box 8795
Williamsburg, VA 23187
(757) 221-4000

Danville CC
(Public-2 yr)
1008 South Main St.
Danville, VA 24541
(804) 797-2222

George Mason University
(Public-4 yr)
4400 University Dr.
Fairfax, VA 22030-4444
(703) 993-1000

Germanna CC - *Fredericksburg
Area Campus*
(Public-2 yr)
10000 Germanna Point Dr.
Fredericksburg, VA 22408
(540) 710-2000

Institution Name (Institution Type)

Location

J. Sargeant Reynolds CC
(Public-2 yr)
Downtown Campus
(804) 786-7786
Parham Road Campus
(804) 371-3202

Western Campus
(804) 662-6400
P.O. Box 85622
Richmond, VA 23285-5622

James Madison University
(Public-4 yr)
800 South Main St.
Harrisonburg, VA 22807
(540) 568-6211

John Tyler CC
(Public-2 yr)
13101 Jefferson Davis Hwy.
Chester, VA 23831-5316
(804) 796-4000
Midlothian Campus
601 Charter Colony Parkway
Midlothian, VA 23113
(804) 594-1400
(Please send all mail to Chester)

Mary Washington College
(Public-4 yr)
1301 College Ave.
Fredericksburg, VA 22401-5358
(540) 654-1000

Norfolk State University
(Public-4 yr)
2401 Corprew Ave.
Norfolk, VA 23504-9998
(757) 823-8600

Institution Name (Institution Type)

Location

Northern Virginia CC
(Public-2 yr)
College Staff
4001 Wakefield Chapel Rd.
Annandale, VA 22003
(703) 323-3000

Alexandria Campus
3001 N. Beauregard Street
Alexandria, VA 22311
(703) 845-6200

Annandale Campus
8333 Little River Turnpike
Annandale, VA 22003
(703) 323-3000

Loudoun Campus
1000 Harry Flood Byrd
Highway
Sterling, VA 22170
(703) 450-2500

Manassas Campus
6901 Sudley Road
Manassas, VA 20109
(703) 257-6600

Woodbridge Campus
15200 Neabsco Road
Woodbridge, VA 22191
(703) 878-5700

Old Dominion University
(Public-4 yr)
Norfolk, VA 23529
(757) 683-3000

Paul D. Camp CC - *Oliver
Kermit Hobbs Campus*
(Public-2 yr)
271 Kenyon Rd.
Suffolk, VA 23434
(757) 925-6300

Public Colleges and Universities Potentially Located in Urbanized Areas (continued)

Institution Name (Institution Type)

Location

Piedmont Virginia CC
(Public-2 yr)
501 College Dr.
Charlottesville, VA 22902-7589
(804) 977-3900

Richard Bland College
(Public-2 yr)
11301 Johnson Rd.
Petersburg, VA 23805
(804) 862-6100

Thomas Nelson CC
(Public-2 yr)
P.O. Box 9407
99 Thomas Nelson Dr.
Hampton, VA 23670
(757) 825-2700

Tidewater CC
(Public-2 yr)
College Staff
121 College Place
Norfolk, VA 23510
(757) 822-1000
Chesapeake Campus
1428 Cedar Rd.
Chesapeake, VA 23320
(757) 822-5100
Thomas W. Moss, Jr. - Norfolk Campus
300 Granby St.
Norfolk, VA 23510
(757) 822-1111
Portsmouth Campus
7000 College Dr.
Portsmouth, VA 23703
(757) 822-2121
Virginia Beach Campus
1700 College Crescent
Virginia Beach, VA 23456
(757) 822-7100

Institution Name (Institution Type)

Location

University of Virginia
(Public-4 yr)
P.O. Box 9011
Charlottesville, VA 22906-9011
(434) 924-0311

Virginia Commonwealth University
(Public-4 yr)
910 West Franklin St.
Richmond, VA 23284-3026
(804) 828-0100

Virginia Tech
(Public-4 yr)
Blacksburg, VA 24061
(540) 231-6000

Virginia State University
(Public-4 yr)
P.O. Box 9001
Petersburg, VA 23806
(804) 524-5000

Virginia Western CC
(Public-2 yr)
P.O. Box 14007
Roanoke, VA 24038-4007
(540) 857-7231

Attachment C-2

All Colleges and Universities (Public and Private) With Campuses in Virginia

All Colleges and Universities (Public and Private) With Campuses in Virginia

Institution Name (Institution Type)

Location

American Intercontinental
University
(Out-of-State)
Dulles

American Military University
(Private: for-profit)
9104-P Manassas Dr.
Manassas Park, VA 22111
(703) 330-5398

American Schools of
Professional Psych.
(Out-of-State)
1400 Wilson Boulevard, Suite
110
Arlington VA, 22209
(703)243-5300
(Chicago, IL)

American University
(Out-of-State)
Northern VA
(Washington, DC)

Appalachian School of Law
(Private: non-profit)
P.O. Box 2825
Grundy, VA 24614
(800) 895-7411

Atlantic University
(Private: non-profit)
397 Little Neck Rd., Bldg. 3300
Suite 100
Virginia Beach, VA 23452
(757) 631-8101

Averett University
(Private: non-profit)
420 W. Main St.
Danville, VA 24541-3692
(804) 791-5600

Institution Name (Institution Type)

Location

Blue Ridge CC
(Public-2 yr)
P.O. Box 80
Weyers Cave, VA 24486
(540) 234-9261

Bluefield College
(Private: non-profit)
3000 College Dr. Bluefield, VA
24065
(540) 326-3682

Bridgewater College
(Private: non-profit)
402 East College St.
Bridgewater, VA 22812-1599
(540) 828-8000

Bryant and Stratton College-
Richmond
(Private: for-profit)
8141 Hull Street Rd.
Richmond, VA 23235-6411
(804) 745-2444

Bryant and Stratton College-
Virginia Beach
(Private: for-profit)
301 Centre Pointe Dr.
Virginia Beach, VA 23462-4417
(757) 499-7900

Capitol College
(Out-of-State)
Northern VA
5201 Leesburg Pike, #103
Falls Church, VA 22041
(703) 998-5503

Catholic Distance University
(Private: non-profit)
120 East Colonial Highway
Hamilton, VA 20158-9012
(540) 338-2700

Institution Name (Institution Type)

Location

Catholic University of America
(Out-of-State)
Blacksburg
Washington, DC 20064
(202) 319-5170

Catholic University of America
(Out-of-State)
Charlottesville
Washington, DC 20064
(202) 319-5170

Catholic University of America
(Out-of-State)
Richmond
Washington, DC 20064
(202) 319-5170

Catholic University of America
(Out-of-State)
Northern VA
Washington, DC 20064
(202) 319-5170

Catholic University of America
(Out-of-State)
Norfolk
Washington, DC 20064
(202) 319-5170

Central Michigan University
(Out-of-State)
Richmond
8110 Gatehouse Rd. 500 W.
Falls Church, VA 22032-1210
(703) 849-8218 ext. 108

Central Michigan University
(Out-of-State)
Northern VA
8110 Gatehouse Rd. 500 W.
Falls Church, VA 22032-1210
(703) 560-2044 ext. 107

All Colleges and Universities (Public and Private) With Campuses in Virginia (continued)

**Institution Name
(Institution Type)
Location**

Central Michigan University
(Out-of-State)
Tidewater
8110 Gatehouse Rd. 500 W.
Falls Church, VA 22032-1210
(703) 849-8218 ext. 108

Central Texas College
(Out-of-State)
P.O. Box B
Fort Lee, VA 23801-0240
(804)733-9290

Central Virginia CC
(Public-2 yr)
3506 Wards Rd.
Lynchburg, VA 24502
(804) 832-7600

Christendom College
(Private: non-profit)
134 Christendom Dr.
Front Royal, VA 22630-9989
(540) 636-2908

Christopher Newport University
(Public-4 yr)
One University Pl.
Newport News, VA 23606-2988
(757) 594-7100

CHRV College of Health
Sciences
(Private: non-profit)
P.O. Box 13186
Roanoke, VA 24031-3186
(888) 985-8483

College of William and Mary
(Public-4 yr)
P.O. Box 8795
Williamsburg, VA 23187
(757) 221-4000

**Institution Name
(Institution Type)
Location**

Dabney S. Lancaster CC
(Public-2 yr)
P.O. Box 1000
Clifton Forge, VA 24422-1000
(540) 863-2800

Danville CC
(Public-2 yr)
1008 South Main St.
Danville, VA 24541
(804) 797-2222

Dominion College-Roanoke
(Private: for-profit)
5372 Fallowater La.
Roanoke, VA 24014
(540) 342-0043

Eastern Mennonite University
(Private: non-profit)
1200 Park Rd.
Harrisonburg, VA 22802
(540) 432-4000

Eastern Shore CC
(Public-2 yr)
29300 Lankford Hwy.
Melfa, VA 23410
(757) 787-5900

ECPI College of Technology
(Private: for-profit)
5555 Greenwich Rd.
Virginia Beach, VA 23462
(757) 671-7171

ECPI Technical College-
Richmond
(Private: for-profit)
800 Moorefield Park Dr.
Richmond, VA 23236
(804) 330-5533

**Institution Name
(Institution Type)
Location**

ECPI Technical College-
Roanoke
(Private: for-profit)
5234 Airport Rd.
Roanoke, VA 24012
(540) 563-8080

Embry-Riddle Aeronautical
University
(Out-of-State)
Tidewater
P.O. Box 65477
Langley AFB, VA 23665-0477
(757) 764-2662
(Daytona Beach, FL)

Emory and Henry College
(Private: non-profit)
P.O. Box 947
Emory, VA 24327-0947
(540) 944-4121

Ferrum College
(Private: non-profit)
P.O. Box 1000
Ferrum, VA 24088
(540) 365-2121

Florida Institute of Technology
(Out-of-State)
4765 Eisenhower Ave., Suite 200
Alexandria, VA 22304-7330
(703) 751-1060

Florida Institute of Technology
(Out-of-State)
Tidewater
Fort Eustis, VA 23604
(804) 887-2488

Gallaudet University
(Out-of-State)
Richmond
800 Florida Ave., NE
(202) 651-6054

All Colleges and Universities (Public and Private) With Campuses in Virginia (continued)

**Institution Name
(Institution Type)
Location**

Gallaudet University
(Out-of-State)
Northern VA
800 Florida Ave., NE
(202) 651-6054

Gallaudet University
(Out-of-State)
Tidewater
800 Florida Ave., NE
(202) 651-6054

George Mason University
(Public-4 yr)
4400 University Dr.
Fairfax, VA 22030-4444
(703) 993-1000

George Washington University
(Out-of-State)
Richmond
Tidewater Center,
One Enterprise Parkway
Hampton, VA 23666
(757) 838-8100

George Washington University
(Out-of-State)
Northern VA
20101 Academic Way
Ashburn, VA 20147
(703) 729-8219

George Washington University
(Out-of-State)
Tidewater
Tidewater Center,
One Enterprise Parkway
Hampton, VA 23666
(757) 838-8100

**Institution Name
(Institution Type)
Location**

Germanna CC
(Public-2 yr)
Fredericksburg Area Campus
10000 Germanna Point Drive
Fredericksburg, VA 22408
(540) 710-2000

Hampden-Sydney College
(Private: non-profit)
Box 128
Hampden-Sydney, VA 23943-0726
(434) 223-6000

Hampton University
(Private: non-profit)
Hampton, VA 23668
(757) 727-5000

Hollins University
(Private: non-profit)
7916 Williamson Rd.
Roanoke, VA 24020
(540) 362-6000

Institute for Psychological Sciences
(Private: non-profit)
2001 Jefferson Davis Hwy., Suite 102
Arlington, VA 22202
(703) 416-1441

Institute of Textile Tech
(Private: non-profit)
2551 Ivy Rd.
Charlottesville, VA 22903-4614
(804) 296-5511

ITT Technical Inst.
(Out-of-State)
300 Gateway Centre Prkwy
Richmond, VA 23235

**Institution Name
(Institution Type)
Location**

ITT Technical Inst.
(Out-of-State)
863 Glenrock Rd.
Norfolk, VA 23502

J. Sargeant Reynolds CC
(Public-2 yr)
Downtown Campus
(804) 786-7786
Parham Road Campus
(804) 371-3202
Western Campus
(804) 662-6400
P.O. Box 85622
Richmond, VA 23285-5622

James Madison University
(Public-4 yr)
800 South Main St.
Harrisonburg, VA 22807
(540) 568-6211

John Tyler CC
(Public-2 yr)
13101 Jefferson Davis Hwy.
Chester, VA 23831-5316
(804) 796-4000
Midlothian Campus
601 Charter Colony Parkway
Midlothian, VA 23113
(804) 594-1400
(Please send all mail to
Chester)

Johns Hopkins University
(Out-of-State)
Richmond

Johns Hopkins University
(Out-of-State)
Tysons Corner

All Colleges and Universities (Public and Private) With Campuses in Virginia (continued)

Institution Name (Institution Type)

Location

Johnson & Wales University
(Out-of-State)
2428 Alameda Ave., Suite 316
Norfolk, VA 23513
(757) 853-3508

Keller Graduate School of
Management, DeVry University
(Out-of-State)
Northern VA
One Tower La.
Oakbrook Terrace, Illinois 60181

Liberty University
(Private: non-profit)
1971 University Blvd.
Lynchburg, VA 24502
(804) 582-2000

Lincoln Memorial University
(Out-of-State)
Lee County
Cumberland Gap Parkway
Harrogate, TN 37752
(615) 869-6351

Longwood University
(Public-4 yr)
201 High St.
Farmville, VA 23909-1898
(804) 395-2000

Lord Fairfax CC
(Public-2 yr)
P.O. Box 47
Middletown, VA 22645
(540) 868-7000

Lynchburg College
(Private: non-profit)
1501 Lakeside Dr.
Lynchburg, VA 24501-3199
(804) 544-8200

Institution Name (Institution Type)

Location

Mary Baldwin College
(Private: non-profit)
New and Frederick Streets
Staunton, VA 24401
(540) 887-7000

Mary Washington College
(Public-4 yr)
1301 College Ave.
Fredericksburg, VA 22401-5358
(540) 654-1000

Marymount University
(Private: non-profit)
2807 North Glebe Rd.
Arlington, VA 22207-4299
(703) 522-5600

Medical College of Hampton
Roads-EVMS
(Private: non-profit)
721 Fairfax Ave.
P.O. Box 1980
Norfolk, VA 23501-1980
(757) 446-5600

Mountain Empire CC
(Public-2 yr)
P.O. Drawer 700
Big Stone Gap, VA 24219-0700
(540) 523-2400

National College of Business and
Technology
(Private: for-profit)
P.O. Box 6400
Roanoke, VA 24017-0400
(540) 986-1800

National-Louis University
(Out-of-State)
8000 Westpark Dr.
McLean, VA 22102
(703) 749-3000

Institution Name (Institution Type)

Location

New River CC
(Public-2 yr)
P.O. Box 1127
Dublin, VA 24084-1127
(540) 674-3600

Norfolk State University
(Public-4 yr)
2401 Corprew Ave.
Norfolk Virginia 23504-9998
(757) 823-8600

Northern Virginia CC
(Public-2 yr)
College Staff
4001 Wakefield Chapel Rd.
Annandale, VA 22003
(703) 323-3000

Alexandria Campus
3001 N. Beauregard Street
Alexandria, VA 22311
(703) 845-6200
Annandale Campus
8333 Little River Turnpike
Annandale, VA 22003
(703) 323-3000

Loudoun Campus
1000 Harry Flood Byrd
Highway
Sterling, VA 22170
(703) 450-2500

Manassas Campus
6901 Sudley Road
Manassas, VA 20109
(703) 257-6600

Woodbridge Campus
15200 Neabsco Road
Woodbridge, VA 22191
(703) 878-5700

All Colleges and Universities (Public and Private) With Campuses in Virginia (continued)

Institution Name (Institution Type) Location *****

Nova Southeastern University
(Out-of-State)
Danville
3301 College Ave.
Fort Lauderdale, FL 33314
(954) 262-5360

Nova Southeastern University
(Out-of-State)
Richmond
3301 College Ave.
Fort Lauderdale, FL 33314
(954) 262-5360

Nova Southeastern University
(Out-of-State)
Northern VA
3301 College Ave.
Fort Lauderdale, FL 33314
(954) 262-5360

Old Dominion University
(Public-4 yr)
Norfolk, VA 23529
(757) 683-3000

Park College
(Out-of-State)
Northern VA
8700 N.W. River Park Dr.
Parkville, Missouri 64152
(816) 741-2000

Patrick Henry CC
(Public-2 yr)
P.O. Box 5311
Martinsville, VA 24115
(540) 638-8777

Patrick Henry College
(Private: non-profit)
P.O. Box 1776
Purcellville, VA 20134-1776
(540) 338-1776

Institution Name (Institution Type) Location *****

Paul D. Camp CC
Oliver Kermit Hobbs Campus
(Public-2 yr)
271 Kenyon Road
Suffolk, Virginia 23434
(757) 925-6300

Piedmont Virginia CC
(Public-2 yr)
501 College Dr.
Charlottesville, VA 22902-7589
(804) 977-3900

Protestant Episcopal Theological
Seminary in Virginia/Virginia
Theological Seminary
(Private: non-profit)
3737 Seminary Rd.
Alexandria, VA 22304
(703) 370-6600

Radford University
(Public-4 yr)
P.O. Box 6910
Radford, VA 24142
(540) 831-5000

Randolph-Macon College
(Private: non-profit)
P.O. Box 5005
Ashland, VA 23005-5005
(804) 752-7200

Randolph-Macon Woman's
College
(Private: non-profit)
2500 Rivermont Ave.
Lynchburg, VA 24503
(804) 947-8000

Rappahannock CC
(Public-2 yr)
12745 College Dr.
Glenns, VA 23149
(804) 758-6700

Institution Name (Institution Type) Location *****

Regent University
(Private: non-profit)
1000 Regent University Dr.
Virginia Beach, VA 23464
(757) 226-4000

Richard Bland College
(Public-2 yr)
11301 Johnson Rd.
Petersburg, VA 23805
(804) 862-6100

Roanoke College
(Private: non-profit)
221 College La.
Salem, VA 24153-3794
(540) 375-2500

Saint Leo University
(Out-of-State)
Fort Lee
Tidewater Area Center
P.O. Box 65629
Langley AFB, VA 23665
(757) 766-1812

Saint Leo University
(Out-of-State)
Tidewater
Tidewater Area Center
P.O. Box 65629
Langley AFB, VA 23665

Saint Paul's College
(Private: non-profit)
115 College D.
Lawrenceville, VA 23868-1299
(804) 848-3111

School of Islamic and Social
Sciences*
(Private: non-profit)
750A Miller Dr. SE
Leesburg, VA 20176
(703) 779-7477

All Colleges and Universities (Public and Private) With Campuses in Virginia (continued)

**Institution Name
(Institution Type)
Location**

Shenandoah University
(Private: non-profit)
1460 University Dr.
Winchester, VA 22601
(540) 665-4500

Southern Virginia University
(Private: non-profit)
One College Hill Dr.
Buena Vista, VA 24416-3097
(540) 261-6181

Southside Virginia CC
(Public-2 yr)
109 Campus Dr.
Alberta, VA 23821
(804) 949-1000

Southwest Virginia CC
(Public-2 yr)
P.O. Box SVCC
Richlands, VA 24641
(540) 964-2555

Stratford College
(Private: for-profit)
7777 Leesburg Pike, Suite 100
So.
Falls Church, VA 22046
(703) 536-9588

Strayer University
(Out-of-State)
Richmond
1025 15th St, N.W.
Washington, DC 20005
(202) 408-2424

Strayer University
(Out-of-State)
Fredericksburg
1025 15th St, N.W.
Washington, DC 20005
(202) 408-2424

**Institution Name
(Institution Type)
Location**

Strayer University
(Out-of-State)
Northern VA
1025 15th St, N.W.
Washington, DC 20005
(202) 408-2424

Sweet Briar College
(Private: non-profit)
Sweet Briar, VA 24595
(804) 381-6100

Thomas Nelson CC
(Public-2 yr)
P.O. Box 9407
99 Thomas Nelson Dr.
Hampton, VA 23670
(757) 825-2700

Tidewater CC
(Public-2 yr)
College Staff
121 College Place
Norfolk, VA 23510
(757) 822-1000
Chesapeake Campus
1428 Cedar Rd.
Chesapeake, VA 23320
(757) 822-5100

Thomas W. Moss, Jr. - Norfolk Campus
300 Granby St.
Norfolk, VA 23510
(757) 822-1111
Portsmouth Campus
7000 College Dr.
Portsmouth, VA 23703
(757) 822-2121
Virginia Beach Campus
1700 College Crescent
Virginia Beach, VA 23456
(757) 822-7100

**Institution Name
(Institution Type)
Location**

Tidewater Tech
(Private: for-profit)
2692 Dean Dr.
Virginia Beach, VA 23452

Troy State University
(Out-of-State)
Ft. Myer
Atlantic Region
P.O. Box 15218
Norfolk Naval Base
Norfolk, VA 23511-5218
(703) 525-9779

Troy State University
(Out-of-State)
Tidewater
Atlantic Region
P.O. Box 15218
Norfolk Naval Base
Norfolk, VA 23511-5218
(703) 525-9779

Tulane University
(Out-of-State)
901 N. Stuart Street, Suite 1100
Arlington, VA 22203
(703) 243-0871

Union Theological Seminary and
Presbyterian School of Christian
Education
(Private: non-profit)
3401 Brook Rd.
Richmond, VA 23227
(804) 355-0671

University of Management and
Technology
(Private: for-profit)
1925 N. Lynn St., Suite 307
Arlington, VA 22209
(703) 516-0035

All Colleges and Universities (Public and Private) With Campuses in Virginia (continued)

**Institution Name
(Institution Type)
Location**

University of Maryland
University College
(Out-of-State)
Leesburg, VA
University of Maryland
University College
3501 University Boulevard East
Adelphi, MD 20783
(301) 985-7661

University of Maryland
University College
(Out-of-State)
Northern VA
University of Maryland
University College
3501 University Boulevard East
Adelphi, MD 20783
(301) 985-7661

University of Northern Virginia
(Private: for-profit)
900 S. Washington St.
Falls Church, VA 22046
(703) 536-9588

University of Oklahoma
(Out-of-State)
Northern VA
One Dupont Circle, Suite 340
Washington, DC 20036
(202) 223-9147

University of Richmond
(Private: non-profit)
Richmond, VA 23173
(804) 289-8000

University of Virginia
(Public-4 yr)
P.O. Box 9011
Charlottesville, VA 22906-9011
(434) 924-0311

**Institution Name
(Institution Type)
Location**

University of Virginia College at
Wise
(Public-4 yr)
One College Ave.
Wise, VA 24293
(540) 328-0100

UTenn.- Knoxville
(Out-of-State)
Roanoke
440 Comm. And Extension Bldg
Knoxville, TN 37996

UTenn.- Knoxville
(Out-of-State)
Charlottesville
440 Comm. And Extension Bldg
Knoxville, TN 37996

UTenn.- Knoxville
(Out-of-State)
Northern VA
440 Comm. And Extension Bldg
Knoxville, TN 37996

UTenn.- Knoxville
(Out-of-State)
Tidewater
440 Comm. And Extension Bldg
Knoxville, TN 37996

Virginia Commonwealth
University
(Public-4 yr)
910 West Franklin St.
Richmond, VA 23284-3026
(804) 828-0100

Virginia Highlands CC
(Public-2 yr)
P.O. Box 828
Abingdon, VA 24212-0828
(540) 676-5484

**Institution Name
(Institution Type)
Location**

Virginia Intermont College
(Private: non-profit)
1013 Moore St.
Bristol, Virginia 24201
(540) 669-6101

Virginia International University
(Private: non-profit)
9900 Main Street
Fairfax, VA 22031
(703) 591-7042

Virginia Military Institute
(Public-4 yr)
Lexington, VA 24450-0304
(540) 464-7000

Virginia Tech
(Public-4 yr)
Blacksburg, VA 24061
(540) 231-6000

Virginia State University
(Public-4 yr)
P.O. Box 9001
Petersburg, VA 23806
(804) 524-5000

Virginia Union University
(Private: non-profit)
1500 North Lombardy St.
Richmond, VA 23220
(804) 257-5600

Virginia University of
Lynchburg
(Private: non-profit)
2058 Garfield Ave.
Lynchburg, VA 24501
(804) 528-5276

All Colleges and Universities (Public and Private) With Campuses in Virginia (continued)

Institution Name
(Institution Type)

Location

* * * * *

Virginia Wesleyan College
(Private: non-profit)
1584 Wesleyan Dr.
Norfolk, VA 23502-5599
(757) 455-3200

Virginia Western CC
(Public-2 yr)
P.O. Box 14007
Roanoke, VA 24038-4007
(540) 857-7231

Washington and Lee University
(Private: non-profit)
Gilliam House,
Letcher Ave.
Lexington, VA 24450-0303
(540) 463-8400

Washington Bible College (Out-
of-State)
Northern VA
6511 Princess Garden Parkway
Lanham, MD 20706-3599
(301) 552-1400 ext. 276

World College
(Private: for-profit)
5193 Shore Dr., Suite 105
Virginia Beach, VA 23455-2500
(800) 686-7532

Wytheville CC
(Public-2 yr)
1000 East Main St.
Wytheville, VA 24382
(540) 223-4700

Yorktown University
(Private: for-profit)
Distance Learning Only
P.O. Box 653
Yorktown, VA 23690

Attachment D

Small MS4 General Permit Regulation (9 VAC 25-750-10 et seq.)

9 VAC 25-750-10 et seq. - GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR DISCHARGES OF STORM WATER FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

[Adopted: October 3, 2002 - Effective: December 9, 2002]

9 VAC 25-750-10. Definitions.

The words and terms used in this regulation shall have the meanings defined in the State Water Control Law and 9 VAC 25-31-10 et seq. (VPDES Permit Regulation) unless the context clearly indicates otherwise, except that for the purposes of this regulation:

"Best management practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except: discharges pursuant to a VPDES permit (other than the VPDES permit for discharges from the municipal separate storm sewer), discharges resulting from fire fighting activities, and discharges identified by and in compliance with 9 VAC 25-750-30 C 2.

"Infiltration" means water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

"Inflow" means water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

"Large municipal separate storm sewer system" means all municipal separate storm sewers that are either:

1. Located in an incorporated place with a population of 250,000 or more as determined by the latest Decennial Census by the Bureau of Census (40 CFR Part 122 Appendix F (2001)); or
2. Located in the counties listed in 40 CFR Part 122 Appendix H (2001), except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or
3. Owned or operated by a municipality other than those described in subdivision 1 or 2 of this definition and that are designated by the Board as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under subdivision 1 or 2 of this definition. In making this determination the Board may consider the following factors:
 - a. Physical interconnections between the municipal separate storm sewers;
 - b. The location of discharges from the designated municipal separate storm sewer relative to discharges from municipal separate storm sewers described in subdivision 1 of this definition;
 - c. The quantity and nature of pollutants discharged to surface waters;
 - d. The nature of the receiving waters; and
 - e. Other relevant factors; or
4. The Board may, upon petition, designate as a large municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water

9 VAC 25-750-10 et seq. - GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR DISCHARGES OF STORM WATER FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in subdivision 1, 2, or 3 of this definition.

"Major municipal separate storm sewer outfall (or major outfall)" means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), with an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

"Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:

1. Located in an incorporated place with a population of 100,000 or more but less than 250,000, as determined by the latest Decennial Census by the Bureau of Census (40 CFR Part 122 Appendix G (2001)); or
2. Located in the counties listed in 40 CFR Part 122 Appendix I (2001), except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or
3. Owned or operated by a municipality other than those described in subdivision 1 or 2 of this definition and that are designated by the Board as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under subdivision 1 or 2 of this definition. In making this determination the Board may consider the following factors:
 - a. Physical interconnections between the municipal separate storm sewers;
 - b. The location of discharges from the designated municipal separate storm sewer relative to discharges from municipal separate storm sewers described in subdivision 1 of this subsection;
 - c. The quantity and nature of pollutants discharged to surface waters;
 - d. The nature of the receiving waters; or
 - e. Other relevant factors; or
4. The Board may, upon petition, designate as a medium municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in subdivisions 1, 2, or 3 of this definition.

"Municipal separate storm sewer" means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains:

1. Owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to surface waters;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW).

9 VAC 25-750-10 et seq. - GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR DISCHARGES OF STORM WATER FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

"Municipal separate storm sewer system or MS4" means all separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems, or designated under 9 VAC 25-31-120 A 1.

"Municipality" means a city, town, county, district, association, or other public body created by or under state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of CWA.

"Outfall" means, when used in reference to municipal separate storm sewers, a point source at the point where a municipal separate storm sewer discharges to surface waters and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other surface waters and are used to convey surface waters.

"Owner" means the Commonwealth or any of its political subdivisions, including, but not limited to, sanitation district commissions and authorities, and any public or private institution, corporation, association, firm or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of Section 62.1-44.5 of the Law.

"Small municipal separate storm sewer system or Small MS4" means all separate storm sewers that are: (i) Owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under subsection 208 of the CWA that discharges to surface waters; and (ii) Not defined as "large" or "medium" municipal separate storm sewer systems, or designated under 9 VAC 25-31-120 A 1. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

9 VAC 25-750-20. Purpose; Delegation of Authority; Effective Date of the Permit.

A. This general permit regulation governs storm water discharges from regulated small municipal separate storm sewer systems (regulated small MS4s) to surface waters of the Commonwealth of Virginia.

1. Unless the MS4 qualifies for a waiver under subdivision 3 of this subsection, owners are regulated if they operate a small MS4, including but not limited to systems operated by federal, state, tribal, and local governments, including the Virginia Department of Transportation; and:

9 VAC 25-750-10 et seq. - GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR DISCHARGES OF STORM WATER FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

- a. The small MS4 is located in an urbanized area as determined by the latest Decennial Census by the Bureau of the Census. If the small MS4 is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated; or
 - b. The small MS4 is designated by the Board, including where the designation is pursuant to 40 CFR Part 123.35 (b)(3) or (b)(4) (2001), or is based upon a petition under 9 VAC 25-31-120 E.
2. An MS4 may be the subject of a petition to the Board to require a VPDES permit for their discharge of storm water. If the Board determines that an MS4 needs a permit and the owner applies for coverage under this general permit, the owner is required to comply with the requirements of 9 VAC 25-750-50.
3. The Board may waive the requirements otherwise applicable to a small MS4 if it meets the criteria of subdivision 4 or 5 of this subsection. If a waiver is received under this subsection, the owner may subsequently be required to seek coverage under a VPDES permit in accordance with 9 VAC 25-31-121 C 1 if circumstances change. (See also 40 CFR Part 123.35 (b) (2001))
4. The Board may waive permit coverage if the MS4 serves a population of less than 1,000 within the urbanized area and meets the following criteria:
 - a. The system is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the VPDES storm water program; and
 - b. If pollutants are discharged that have been identified as a cause of impairment of any water body to which the MS4 discharges, storm water controls are not needed based on wasteload allocations that are part of a Board established and EPA approved "total maximum daily load" (TMDL) that addresses the pollutants of concern.
5. The Board may waive permit coverage if the MS4 serves a population under 10,000 and meets the following criteria:
 - a. The Board has evaluated all surface waters, including small streams, tributaries, lakes, and ponds, that receive a discharge from the MS4;
 - b. For all such waters, the Board has determined that storm water controls are not needed based on wasteload allocations that are part of a Board established and EPA approved TMDL that addresses the pollutants of concern or, if a TMDL has not been developed and approved, an equivalent analysis that determines sources and allocations for the pollutants of concern;
 - c. For the purpose of this subdivision, the pollutants of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the MS4; and
 - d. The Board has determined that future discharges from the MS4 do not have the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.

B. The Director, or an authorized representative, may perform any act of the Board provided under this regulation, except as limited by Section 62.1-44.14 of the Code of Virginia.

C. This general permit will become effective on December 9, 2002, and will expire five years from the effective date.

9 VAC 25-750-30. Authorization to discharge.

9 VAC 25-750-10 et seq. - GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR DISCHARGES OF STORM WATER FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

- A. Any owner governed by this general permit is hereby authorized to discharge storm water from the regulated small MS4 to surface waters of the Commonwealth of Virginia provided that the owner files and receives acceptance by the Director of the Registration Statement of 9 VAC 25-750-40, files the permit fee required by 9 VAC 25-20-10 et seq., and provided that the owner shall not have been required to obtain an individual permit according to 9 VAC 25-31-170 B.
- B. The owner shall not be authorized by this general permit to discharge to state waters specifically named in other Board regulations or policies which prohibit such discharges.
- C. Non-storm water discharges or flows into the MS4 are authorized by this permit and do not need to be addressed in the Storm Water Management Program required under 9 VAC 25-750-50, Part II B 3, if:
1. The non-storm water discharges or flows are covered by a separate individual or general VPDES permit for non-storm water discharges; or
 2. Non-storm water discharges or flows in the following categories have not been identified by the permittee or by the Board as significant contributors of pollutants to the small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from fire fighting activities.
- D. Receipt of this general permit does not relieve any owner of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.

9 VAC 25-750-40. Registration Statement.

- A. Deadline for Submitting a Registration Statement
1. Owners of regulated small MS4s designated under 9 VAC 25-750-20 A 1 a , that are applying for coverage under this VPDES general permit must submit a complete Registration Statement to the Department by March 10, 2003, unless the MS4 serves a jurisdiction with a population under 10,000 and the Board has established a schedule for phasing in permit coverage with a final deadline of March 8, 2007.
 2. Owners of regulated small MS4s designated under 9 VAC 25-750-20 A 1 b , that are applying for coverage under this VPDES general permit must submit a complete Registration Statement to the Department within 180 days of notice of designation, unless the Board grants a later date.
- B. Registration Statement.
- The Registration Statement shall include the following information:
1. The name and location (county or city name) of the regulated small MS4 for which the Registration Statement is submitted;
 2. The name, address, and telephone number of the owner of the regulated small MS4;
 3. The name(s) of the receiving water(s);
 4. The best management practices (BMPs) that the owner or another entity proposes to implement for each of the storm water minimum control measures at 9 VAC 25-750-50, Part II B;

9 VAC 25-750-10 et seq. - GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR DISCHARGES OF STORM WATER FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

5. The measurable goals for each of the BMPs including, as appropriate, the years in which the required actions will be undertaken, including interim milestones and the frequency of the action; and
6. The person or persons responsible for implementing or coordinating the storm water management program.
7. The following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

C. The Registration Statement shall be signed in accordance with 9 VAC 25-31-110.

D. An owner may file his own registration statement, or the owner and other municipalities or governmental entities may jointly submit a registration statement. If responsibilities for meeting the minimum measures will be shared with other municipalities or governmental entities, the registration statement must describe which minimum measures the owner will implement and identify the entities that will implement the other minimum measures within the area served by the MS4.

E. Where to Submit

The Registration Statement shall be submitted to the DEQ Regional Office that serves the area where the small MS4 is located.

9 VAC 25-750-50. General permit.

Any owner whose registration statement is accepted by the Director will receive the following permit and shall comply with the requirements therein and be subject to all applicable requirements of the VPDES Permit Regulation, 9 VAC 25-31-10 et seq.

General Permit No.: VAR040
Effective Date: December 9, 2002
Expiration Date: December 9, 2007

GENERAL PERMIT FOR STORM WATER DISCHARGES OF STORM WATER FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS**AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW**

In compliance with the provisions of the Clean Water Act, as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, this permit authorizes operators of small municipal separate storm sewer systems to discharge to surface waters within the boundaries of the

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Commonwealth of Virginia, except those waters specifically named in State Water Control Board (Board) regulation or policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Discharge Authorization and Special Conditions, Part II - Storm Water Management Program and Part III - Conditions Applicable To All VPDES Permits, as set forth herein.

**PART I
DISCHARGE AUTHORIZATION AND SPECIAL CONDITIONS**

A. Coverage Under This Permit.

During the period beginning with the date of coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge storm water from the small municipal separate storm sewer system identified in the Registration Statement.

B. Special Conditions.

1. Total Maximum Daily Load (TMDL) Allocations

If a TMDL is approved for any waterbody into which the small MS4 discharges, the Board will review the TMDL to determine whether the TMDL includes requirements for control of storm water discharges. If discharges from the MS4 are not meeting the TMDL allocations, the Board will notify the permittee of that finding and may require that the Storm Water Management Program required in Part II be modified to implement the TMDL within a timeframe consistent with the TMDL. Any such new requirement will constitute a case decision by the Board.

2. Releases of Hazardous Substances or Oil in Excess of Reportable Quantities.

The discharge of hazardous substances or oil in the storm water discharge(s) from the small MS4 shall be prevented or minimized to the maximum extent practicable in accordance with the applicable Storm Water Management Program required in Part II. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110 (2001), 40 CFR Part 117 (2001) or 40 CFR Part 302 (2001) occurs during a 24 hour period, the permittee is required to notify the Department in accordance with the requirements of Part III G as soon as he or she has knowledge of the discharge. In addition, the Storm Water Management Program required under Part II of this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the program must be modified where appropriate. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110 (2001), 40 CFR Part 117 (2001) and 40 CFR Part 302 (2001) or Section 62.1-44.34:19 of the Code of Virginia.

**PART II
STORM WATER MANAGEMENT PROGRAM**

A. The permittee must develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and the State Water Control Law. The storm water management program must include the minimum control measures described in paragraph B of this Part. For purposes of this Part, narrative effluent limitations requiring implementation of best management practices (BMPs) are generally the most appropriate form of effluent limitations when designed to satisfy technology requirements

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(including reductions of pollutants to the maximum extent practicable) and to protect water quality. Implementation of best management practices consistent with the provisions of the storm water management program required pursuant to this Part constitutes compliance with the standard of reducing pollutants to the "maximum extent practicable." The storm water management program must be developed and implemented within 5 years of the date of coverage under this permit.

B. Minimum control measures**1. Public education and outreach on storm water impacts.**

Implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

2. Public involvement/participation.

At a minimum, comply with applicable state, tribal, and local public notice requirements when implementing the storm water management program.

3. Illicit discharge detection and elimination.

a. Develop, implement and enforce a program to detect and eliminate illicit discharges, as defined at 9 VAC 25-750-10, into the small MS4.

b. (1) Develop, if not already completed, a storm sewer system map, showing the location of all major outfalls and the names and location of all surface waters that receive discharges from those outfalls;

(2) To the extent allowable under state, tribal or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the storm sewer system and implement appropriate enforcement procedures and actions;

(3) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the system; and

(4) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

c. The following categories of non-storm water discharges or flows (i.e., illicit discharges) must be addressed only if they are identified by the permittee or by the Board as significant contributors of pollutants to the small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from fire fighting activities.

4. Construction site storm water runoff control.

a. Develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the Board waives requirements for storm water discharges associated with small construction activity in accordance with the definition in 9 VAC 25-31-10, the permittee is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites.

b. The program must include the development and implementation of, at a minimum:

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- (1) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state, tribal, or local law;
 - (2) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
 - (3) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality; or
Procedures to ensure that construction site operators have secured or will secure a VPDES construction permit;
 - (4) Procedures for site plan review which incorporate consideration of potential water quality impacts;
 - (5) Procedures for receipt and consideration of information submitted by the public, and
 - (6) Procedures for site inspection and enforcement of control measures.
 - c. Track regulated land disturbing activities and submit the following information for the reporting period with the annual report required in Part II E 2:
 - (1) Total number of regulated land disturbing activities; and
 - (2) Total disturbed acreage.
5. Post-construction storm water management in new development and redevelopment.
 - a. Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts.
 - b.
 - (1) Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community;
 - (2) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state, tribal or local law; and
 - (3) Ensure adequate long-term operation and maintenance by the owner of BMPs.
 - (4) If the MS4 discharges to the Chesapeake Bay watershed, track all permanent BMP's installed in the MS4 (structural and non-structural), and submit the following information with the annual report required in Part II E 2:
 - (a) type of BMP installed;
 - (b) geographic location (Hydrologic Unit Code);
 - (c) waterbody the BMP is discharging into;
 - (d) number of acres treated;
 - (e) whether or not the BMP is inspected or maintained; and
 - (f) how often the BMP is maintained (quarterly, annually, etc.).
6. Pollution prevention/good housekeeping for municipal operations.

Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Using training materials that are available from EPA, state, tribe, or other organizations, the program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

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If an existing qualifying local program requires the implementation of one or more of the minimum control measures of Part II B, the permittee may follow that qualifying program's requirements rather than the requirements of Part II B. A qualifying local program is a local, State or tribal municipal storm water management program that imposes, at a minimum, the relevant requirements of Part II B.

The permittee's storm water management program must identify and fully describe any qualifying local program that will be used to satisfy one or more of the minimum control measures of Part II B.

If the qualifying local program the permittee is using requires the approval of a third party, the program must be fully approved by the third party, or the permittee must be working towards getting full approval. Documentation of the qualifying local program's approval status, or the progress towards achieving full approval, must be included in the annual report required by Part II E 2.

D. Sharing Responsibility

The permittee may rely on another entity to satisfy the VPDES permit obligations to implement a minimum control measure if: (1) the other entity, in fact, implements the control measure; (2) the particular control measure, or component thereof, is at least as stringent as the corresponding VPDES permit requirement; and (3) the other entity agrees to implement the control measure on behalf of the permittee. The agreement between the parties must be documented in writing and retained by the permittee with the Storm Water Management Program for the duration of this permit.

In the annual reports that must be submitted under Part II E 2, the permittee must specify that another entity is being relied on to satisfy some of the permit obligations.

If the permittee is relying on another governmental entity regulated under 9 VAC 25-31-120 to satisfy all of the permit obligations, including the obligation to file periodic reports required by Part II E 2, the permittee must note that fact in the Registration Statement, but is not required to file the periodic reports.

The permittee remains responsible for compliance with the permit obligations if the other entity fails to implement the control measure (or component thereof).

E. Evaluation and Assessment**1. Evaluation**

The permittee must evaluate program compliance, the appropriateness of the identified best management practices, and progress towards achieving the identified measurable goals.

2. Annual Reports

The permittee must submit an annual report to the Director by the first, second and fourth anniversaries of the date of coverage under this permit. The reports must include:

- a. The status of compliance with permit conditions, an assessment of the appropriateness of the identified best management practices and progress towards achieving the identified measurable goals for each of the minimum control measures;
- b. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;
- c. A summary of the storm water activities the permittee plans to undertake during the next reporting cycle;
- d. A change in any identified best management practices or measurable goals for any of the minimum control measures;
- e. Notice that the permittee is relying on another government entity to satisfy some of the permit obligations (if applicable), and

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- f. The approval status of any qualifying local programs (if appropriate), or the progress towards achieving full approval of these programs.

F. Program Modifications

The Department may require modifications to the Storm Water Management Program as needed to address adverse impacts on receiving water quality caused, or contributed to, by discharges from the MS4. Modifications requested by the Department shall be made in writing and set forth the time schedule to develop and implement the modification. The permittee may propose alternative program modifications and time schedules to meet the objective of the requested modification. The Department retains the authority to require any modifications it determines are necessary.

**PART III
CONDITIONS APPLICABLE TO ALL VPDES PERMITS**

NOTE: Monitoring is not required for this permit. If you choose to monitor your storm water discharges or BMP's in support of your Storm Water Management Program, you must comply with the requirements of subsections A, B, and C, as appropriate.

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 (2001) or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Records.

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least 3 years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results.

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1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the Department's regional office.
2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 (2001) or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information.

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports.

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges.

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part III F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part III F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

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1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges.

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance.

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
 - a. Any unanticipated bypass; and
 - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part III I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts III I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.

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NOTE: The immediate (within 24 hours) reports required in Parts III G, H and I may be made to the Department's Regional Office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes.

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
 - (1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or
 - (2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements.

1. Registration Statement. All registration statements shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

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- c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a public agency includes:
 - (1) The chief executive officer of the agency, or
 - (2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part III K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Part III K 1;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - c. The written authorization is submitted to the Department.
3. Changes to authorization. If an authorization under Part III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.
4. Certification. Any person signing a document under Parts III K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 90 days before the

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expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit.

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part III U), and "upset" (Part III V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance.

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges.

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

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1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III U 2 and U 3.
2. Notice
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III I.
3. Prohibition of bypass.
 - a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Part III U 2.
 - b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part III U 3 a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required in Part III I; and
 - d. The permittee complied with any remedial measures required under Part III S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry.

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

9 VAC 25-750-10 et seq. - GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR DISCHARGES OF STORM WATER FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this subsection, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions.

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
2. As an alternative to transfers under Part III Y 1, this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the Department at least 2 days in advance of the proposed transfer of the title to the facility or property;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

Z. Severability.

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

Attachment E

Fact Sheet for the Small MS4 Regulation.

FACT SHEET
ISSUANCE OF A GENERAL VPDES PERMIT
TO DISCHARGE TO STATE WATERS AND STATE
CERTIFICATION UNDER THE STATE WATER CONTROL LAW

The Virginia State Water Control Board (Board) has under consideration the issuance of a general permit for discharges of storm water from small municipal separate storm sewer systems.

Permit Number: VAR040

Name of Permittee: Any owner of a regulated small municipal separate storm sewer system in the Commonwealth of Virginia requesting coverage under this general permit.

Facility Location: Commonwealth of Virginia

Receiving Waters: Surface waters within the boundaries of the Commonwealth of Virginia, except waters specifically named in Board regulations or policies which prohibit such discharges.

On the basis of preliminary review and application of lawful standards and regulations, the Board proposes to issue this general permit subject to certain conditions and has prepared a draft permit. The category of discharges proposed for this general permit is regulated small municipal separate storm sewer systems (MS4s). The Board has determined that this category of discharges is appropriately controlled under a general permit. The draft general permit requires all covered MS4s to develop, implement and enforce a system-specific storm water management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and the State Water Control Law.

Persons may comment in writing on the proposed issuance of the general permit within 60 days from May 6, 2002. Comments should be addressed to the contact person listed below. Comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period will be considered by the Board.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting Burt Tuxford at:

Virginia Department of Environmental Quality
P.O. Box 10009
Richmond, Virginia 23240
(804) 698-4086

Public hearings will be held on this draft permit on June 11, 2002 and June 13, 2002. Notice of the public hearings will be published in newspapers and in the Virginia Register. Following the public hearing comment period, the Board will make its determinations regarding the proposed issuance.

I. Administrative

The general permit will have a fixed term of five (5) years effective December 9, 2002. Every authorization to discharge under this general permit will expire at the same time and all authorizations to discharge will be renewed on the same date.

Operators of small MS4s wishing to be authorized to discharge under the terms and conditions of this permit must register with the Department by filing a complete registration statement and paying the applicable permit fee. The Department will review the registration statements received and send a copy of the general permit to those MS4s that qualify for coverage. If this general permit is inappropriate, the applicant will be so notified and will be instructed to file an individual permit application.

II. Activities Covered Under This General Permit

This general permit will cover storm water discharges from "regulated" small MS4s to surface waters of the Commonwealth. Unless the MS4 qualifies for a waiver (see below), owners are "regulated" if they operate a small MS4, including but not limited to systems operated by federal, state, tribal, and local governments, including the Virginia Department of Transportation; and, (a) the small MS4 is located in an urbanized area as determined by the latest Decennial Census by the Bureau of the Census. (If the small MS4 is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated); or (b) the small MS4 is designated by the Board.

An MS4 may be the subject of a petition to the Board to require a VPDES permit for their discharge of storm water. If the Board determines that an MS4 needs a permit and the owner applies for coverage under this general permit, the owner is required to comply with the permit requirements.

The Board may waive the requirements otherwise applicable to a small MS4 if it meets the criteria of either sections A or B below. If a waiver is received, the owner may be required to seek coverage under a VPDES permit if circumstances change.

A. The Board may waive permit coverage if the MS4 serves a population of less than 1,000 within the urbanized area and meets the following criteria: (a) the system is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the VPDES storm water program; and, (b) if pollutants are discharged that have been identified as a cause of impairment of any water body to which the MS4 discharges, storm water controls are not needed based on wasteload allocations that are part of a Department established and EPA approved "total maximum daily load" (TMDL) that addresses the pollutants of concern.

B. The Board may waive permit coverage if the MS4 serves a population under 10,000 and meets the following criteria: (a) the Board has evaluated all surface waters, including small streams, tributaries, lakes, and ponds, that receive a discharge from the MS4; (b) for all such waters, the Board has determined that storm water controls are not needed based on wasteload allocations that are part of a Department established and EPA approved TMDL that addresses the pollutants of concern or, if a TMDL has not been developed and approved, an equivalent analysis that determines sources and allocations for the pollutants of concern; (c) for the purpose of this waiver, the pollutants of concern include biochemical oxygen demand (BOD), sediment

or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the MS4; and, (d) the Board has determined that future discharges from the MS4 do not have the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.

In EPA's Phase 2 storm water rule (Phase 2 rule), which was incorporated into the VPDES Permit Regulation (9 VAC 25-31-10 et seq.) effective September 27, 2000, all small MS4s located in an urbanized area are automatically designated as "regulated" small MS4s, provided that they were not previously designated into the Phase 1 storm water program. Unlike medium and large MS4s under the Phase 1 storm water regulations, not all small MS4s are designated under the Phase 2 rule, which distinguishes between "small" MS4s and "regulated small" MS4s.

Discharges are "regulated" under the Phase 2 rule if they are from a small MS4 that is in an urbanized area (and has not received a waiver), or they are designated by the Board. The Phase 2 rule does not regulate the county, city, or town, the rule regulates the MS4. Therefore, even though a county may be listed in Appendix 6 (Government Entities Located Fully or Partially Within an Urbanized Area) of the preamble to EPA's Phase 2 regulation, if that county does not own or operate the municipal storm sewer systems, the county does not have to submit an application or develop a storm water management program. If another entity does own or operate an MS4 within the county (for example, a regional utility district), that other entity needs to submit the application and develop the program.

Due to the great variety of situations, EPA decided that only MS4s in the urbanized area would be automatically designated. Studies and data show a high correlation between degree of development/urbanization and adverse impacts on receiving waters due to storm water. The population densities associated with the Census Bureau's designation of urbanized areas provide the basis for designation of these areas to protect water quality. This focused designation provides for consistency and allows for flexibility on the part of the MS4 and the Board. In those situations where an incorporated place or a town is not entirely within an "urbanized area", there is a good possibility that it is served by more than one MS4. In those cases where the area is served by the same MS4, it makes sense to develop a storm water program for the whole area. The Board may also decide to designate all MS4s within a county or town, if this is necessary to protect water quality.

Under the Census Bureau's definition of "urbanized area" that EPA adopted for the purposes of the Phase 2 rule, "an urbanized area comprises a place and the adjacent densely settled surrounding territory that together have a minimum population of 50,000 people." There are 405 urbanized areas in the United States that cover 2 percent of total U.S. land area and contain approximately 63 percent of the nation's population. Urbanized areas constitute the largest and most dense areas of settlement. The purpose of determining an "urbanized area" is to delineate the boundaries of development and map the actual built-up urban area. Using data from the latest decennial census, the Census Bureau applies the urbanized area definition nationwide and determines which places and counties are included within each urbanized area. For each urbanized area, the Bureau provides full listings of who is included, as well as detailed maps.

Additional designations based on subsequent census years will be governed by the Census Bureau's definition of an urbanized area in effect for that year. Based on historical trends, EPA expects that any area determined by the Census Bureau to be included within an urbanized area as of the 1990 Census will not later be excluded from the urbanized area as of the 2000 Census. However, it is important to note that even if this situation were to occur (for example, due to a possible change in the Census Bureau's urbanized area definition), a small MS4 that is automatically designated into the VPDES program for storm water under an urbanized area calculation for any given Census year will remain regulated regardless of the results of subsequent urbanized area calculations.

III. Proposed Permit Special Conditions

A. Total Maximum Daily Load (TMDL) Allocations. If a TMDL is approved for any waterbody into which the small MS4 discharges, the Board will review the TMDL to determine whether the TMDL includes requirements for control of storm water discharges. If discharges from the MS4 are not meeting the TMDL allocations, the Board will notify the permittee of that finding and may require that the Storm Water Management Program required by the permit be modified to implement the TMDL within a timeframe consistent with the TMDL. Any such new requirement will constitute a case decision by the Board.

B. Releases of Hazardous Substances or Oil in Excess of Reportable Quantities. The permit requires that the discharge of hazardous substances or oil in the storm water discharges from the small MS4 shall be prevented or minimized in accordance with the applicable Storm Water Management Program required in the permit. If there is a discharge of a material in excess of a reportable quantity established under 40 CFR Parts 110, 117, or 302 the permittee must make a report to the Department within 24 hours. The Storm Water Management Program required by the permit must be reviewed and revised as necessary to prevent a recurrence of the spill. This does not relieve the permittee from any reporting to federal or state authorities required under 40 CFR Part 110, Part 117, or Part 302 or Section 62.1-44.34:19 of the Code of Virginia.

IV. Conditions Applicable To All VPDES Permits

This general permit is a VPDES permit. As such, it is necessary to include certain conditions required by the VPDES Permit Regulation, 9 VAC 25-31-10 et seq. These conditions are included in all VPDES permits. With a few minor exceptions, the language is not modified to reflect their use in the general permit. Conditions in this section of the permit may not have direct applicability to all covered MS4s.

V. Proposed Requirements For The Development Of A Storm Water Management Program

The permittee is required to develop, implement, and enforce a storm water management program (SWMP). The SWMP is designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act (CWA) and the State Water Control Law. The SWMP must be developed and implemented within 5 years of the date of coverage under the permit.

The SWMP must include the six minimum control measures described below. For purposes of this MS4 permit, narrative effluent limitations requiring implementation of best management practices (BMPs) are the most appropriate form of effluent limitations when designed to satisfy

technology requirements (including reductions of pollutants to the maximum extent practicable) and to protect water quality. Implementation of BMPs consistent with the provisions of the SWMP required by this permit will constitute compliance with the standard of reducing pollutants to the "maximum extent practicable."

The Board presumes, absent evidence to the contrary, that a small MS4 program that implements the six minimum measures in this permit does not require more stringent limitations to meet water quality standards. Proper implementation of the measures will significantly improve water quality. However, small MS4 permittees should modify their programs if and when available information indicates that water quality considerations warrant greater attention or prescriptiveness in specific components of the SWMP.

Regardless of the basis for the development of the effluent limitations (whether designed to implement the six minimum measures or more stringent or prescriptive limitations to protect water quality), the Board considers narrative effluent limitations requiring implementation of BMPs to be the most appropriate form of effluent limitations for MS4s. CWA section 402(p)(3)(b)(iii) expresses a preference for narrative rather than numeric effluent limits, for example, by reference to "management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants." (33 U.S.C. 1342(p)(3)(B)(iii)). EPA has determined that pollutants from wet weather discharges are most appropriately controlled through management measures rather than end-of-pipe numeric effluent limitations. As explained in EPA's Interim Permitting Policy for Water Quality-Based Effluent Limitations in Storm Water Permits, issued on August 1, 1996 [61 FR 43761 (November 26, 1996)], the currently available methodology for derivation of numeric water quality-based effluent limitations is significantly complicated when applied to wet weather discharges from MS4s (compared to continuous or periodic batch discharges from most other types of discharge). Wet weather discharges from MS4s introduce a high degree of variability in the inputs to the models currently available for derivation of water quality based effluent limitations, including assumptions about instream and discharge flow rates, as well as effluent characterization. In addition, determining compliance with any such numeric limitations may be confounded by practical limitations in sample collection.

In the first two to three rounds of permit issuance, the Board envisions that a BMP-based storm water management program that implements the six minimum measures will be the extent of the VPDES permit requirements for the large majority of regulated small MS4s. Because the six measures represent a significant level of control if properly implemented, the Board anticipates that a permit for a regulated small MS4 operator implementing BMPs to satisfy the six minimum control measures will be sufficiently stringent to protect water quality, including water quality standards, so that additional, more stringent and/or more prescriptive water quality based effluent limitations will be unnecessary.

If a small MS4 operator implements the six minimum control measures in the permit and it is determined that the discharges cause or contribute to non-attainment of an applicable water quality standard, the operator will need to expand or better tailor the BMPs within the scope of the six minimum control measures. The Board envisions that this process will occur during the first two to three permit terms.

If the Board (rather than the regulated small MS4 operator) needs to impose additional or more specific measures to protect water quality, then that action will most likely be the result of an assessment based on a TMDL that determines sources and allocations of pollutants of concern. The small MS4s additional requirements, if any, will be guided by its equitable share based on a variety of considerations, such as cost effectiveness, proportionate contribution of pollutants, and ability to reasonably achieve wasteload reductions. Narrative effluent limitations in the form of BMPs may still be the best means of achieving those reductions.

EPA's interpretation of CWA section 402(p)(3)(B)(iii) was recently reviewed by the Ninth Circuit in *Defenders of Wildlife, et al v. Browner*, No. 98-71080 (September 15, 1999). The Court upheld EPA's action in issuing five MS4 permits that included water quality based effluent limitations. The Court did, however, disagree with EPA's interpretation of the relationship between CWA sections 301 and 402(p). The Court reasoned that MS4s are not compelled by section 301(b)(1)(C) to meet all State water quality standards, but rather that the Administrator or the State may rely on section 402(p)(3)(B)(iii) to require such controls. Accordingly, the *Defenders of Wildlife* decision is consistent with the EPA's 1996 "Interim Permitting Policy for Water Quality-Based Effluent Limitations in Storm Water Permits."

As noted, the 1996 Policy describes how permits would implement an iterative process using BMPs, assessment, and refocused BMPs, leading toward attainment of water quality standards. The ultimate goal of the iteration would be for water bodies to support their designated uses. This iterative approach is consistent with and implements section 301(b)(1)(C), notwithstanding the Ninth Circuit's interpretation. As an alternative to basing these water quality based requirements on section 301(b)(1)(C), however, EPA also believes the iterative approach toward attainment of water quality standards represents a reasonable interpretation of CWA section 402(p)(3)(B)(iii). For this reason, the Phase 2 rule specifies that the "compliance target" for the design and implementation of municipal storm water control programs is "to reduce pollutants to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the CWA." The first component, reductions to the MEP, would be realized through implementation of the six minimum measures. The second component, to protect water quality, reflects the overall design objective for municipal programs based on CWA section 402(p)(6). The third component, to implement other applicable water quality requirements of the CWA, recognizes the EPA's specific determination under CWA section 402(p)(3)(B)(iii) of the need to achieve reasonable further progress toward attainment of water quality standards according to the iterative BMP process, as well as the determination that State or EPA officials who establish TMDLs could allocate waste loads to MS4s, as they would to other point sources.

Maximum extent practicable (MEP) is the statutory standard that establishes the level of pollutant reductions that operators of regulated MS4s must achieve. The CWA requires that NPDES permits for discharges from MS4s "shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods." (CWA Section 402(p)(3)(B)(iii)). This section also calls for "such other provisions as the [EPA] Administrator or the State determines appropriate for the control of such pollutants." EPA interprets this standard to apply

to all MS4s, including both Phase 1 large and medium MS4s, as well as the small MS4s regulated under the Phase 2 rule.

This general permit establishes requirements for each of the six minimum management measures. The permit requires small MS4 permittees to identify in their Registration Statement the proposed BMPs for each management measure, and to develop measurable goals by which the BMP implementation can be assessed. Upon receipt of the Registration Statement from a small MS4 operator, the Board will review the Registration Statement to verify that the identified BMPs and measurable goals are consistent with the requirement to reduce pollutants under the MEP standard, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and State Water Control Law. If necessary, the Board may ask the permittee to revise their mix of BMPs, for example, to better reflect the MEP pollution reduction requirement.

Compliance with the conditions of this general permit and the series of steps associated with identification and implementation of the minimum control measures will satisfy the MEP standard. Implementation of the MEP standard will require the permittee to develop and implement appropriate BMPs to satisfy each of the required six minimum control measures.

EPA intentionally did not provide a precise definition of MEP to allow maximum flexibility in MS4 permitting. MS4s need the flexibility to optimize reductions in storm water pollutants on a location-by-location basis. This evaluative process will consider such factors as conditions of receiving waters, specific local concerns, and other aspects included in a comprehensive watershed plan. Other factors may include MS4 size, climate, implementation schedules, current ability to finance the program, beneficial uses of receiving water, hydrology, geology, and capacity to perform operation and maintenance.

The pollutant reductions that represent MEP may be different for each small MS4, given the unique local hydrologic and geologic concerns that may exist and the differing possible pollutant control strategies. Therefore, each permittee will determine appropriate BMPs to satisfy each of the six minimum control measures through an evaluative process. The Board will evaluate small MS4 operator's proposed storm water management controls to determine whether reduction of pollutants to the MEP can be achieved with the identified BMPs.

Application of the MEP standard is envisioned as an iterative process. MEP should continually adapt to current conditions and BMP effectiveness and should strive to attain water quality standards. Successive iterations of the mix of BMPs and measurable goals will be driven by the objective of assuring maintenance of water quality standards. If, after implementing the six minimum control measures there is still water quality impairment associated with discharges from the MS4, after successive permit terms the permittee will need to expand or better tailor its BMPs within the scope of the six minimum control measures for each subsequent permit. This process may take two to three permit terms.

A. Minimum control measures. The following control measures, at a minimum, must be included in the SWMP that the permittee must develop. In addition to the minimum control measures, EPA published "guidance" for each of the control measures in their Phase 2 storm water rule. The Department included the guidance in the VPDES Permit Regulation when the Phase 2 rule was incorporated, but called it "notes" instead. It was decided not to include the

"notes" or "guidance" in the proposed general permit, but to publish the "guidance" as a separate document. The "guidance" is included below for each of the control measures.

1. Public education and outreach on storm water impacts. The permittee must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

Guidance: The permittee may use storm water educational materials provided by the state, tribe, EPA, environmental, public interest or trade organizations, or other MS4s. The public education program should inform individuals and households about the steps they can take to reduce storm water pollution, such as ensuring proper septic system maintenance, ensuring the proper use and disposal of landscape and garden chemicals including fertilizers and pesticides, protecting and restoring riparian vegetation, and properly disposing of used motor oil or household hazardous wastes. The Board recommends that the program inform individuals and groups how to become involved in local stream and beach restoration activities as well as activities that are coordinated by youth service and conservation corps or other citizen groups. The Board recommends that the public education program be tailored, using a mix of locally appropriate strategies, to target specific audiences and communities. Examples of strategies include distributing brochures or fact sheets, sponsoring speaking engagements before community groups, providing public service announcements, implementing educational programs targeted at school age children, and conducting community-based projects such as storm drain stenciling, and watershed and beach cleanups. In addition, the Board recommends that some of the materials or outreach programs be directed toward targeted groups of commercial, industrial, and institutional entities likely to have significant storm water impacts. For example, providing information to restaurants on the impact of grease clogging storm drains and to garages on the impact of oil discharges. The permittee is encouraged to tailor the outreach program to address the viewpoints and concerns of all communities, particularly minority and disadvantaged communities, as well as any special concerns relating to children.

2. Public involvement/participation. The permittee must, at a minimum, comply with state, tribal, and local public notice requirements when implementing a public involvement/participation program.

Guidance: The Board recommends that the public be included in developing, implementing, and reviewing the permittee's storm water management program and that the public participation process should make efforts to reach out and engage all economic and ethnic groups. Opportunities for members of the public to participate in program development and implementation include serving as citizen representatives on a local storm water management panel, attending public hearings, working as citizen volunteers to educate other individuals about the program, assisting in program coordination with other pre-existing programs, or participating in volunteer monitoring efforts. Citizens should obtain approval where necessary for lawful access to monitoring sites.

3. Illicit discharge detection and elimination. The permittee must:

- a. Develop, implement and enforce a program to detect and eliminate illicit

discharges, as defined at 9 VAC 25-750-10, into the small MS4.

b. (1) Develop, if not already completed, a storm sewer system map, showing the location of all major outfalls and the names and location of all surface waters that receive discharges from those outfalls;

(2) To the extent allowable under state, tribal or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the storm sewer system and implement appropriate enforcement procedures and actions;

(3) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the system; and

(4) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

c. The following categories of non-storm water discharges or flows (i.e., illicit discharges) must be addressed only if they are identified by the permittee or by the Board as significant contributors of pollutants to the small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from fire fighting activities.

Guidance: The Board recommends that the plan to detect and address illicit discharges include the following four components: (1) procedures for locating priority areas likely to have illicit discharges; (2) procedures for tracing the source of an illicit discharge; (3) procedures for removing the source of the discharge; and (4) procedures for program evaluation and assessment. The Board recommends visually screening outfalls during dry weather and conducting field tests of selected pollutants as part of the procedures for locating priority areas. Illicit discharge education actions may include storm drain stenciling, a program to promote, publicize, and facilitate public reporting of illicit connections or discharges, and distribution of outreach materials.

4. Construction site storm water runoff control. The permittee must:

a. Develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the Board waives requirements for storm water discharges associated with small construction activity in accordance with the definition in 9 VAC 25-31-10, the permittee is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites.

b. The program must include the development and implementation of, at a minimum:

(1) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state, tribal, or local law;

(2) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;

(3) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality; or

Procedures to ensure that construction site operators have secured a VPDES construction permit;

(4) Procedures for site plan review which incorporate consideration of potential water quality impacts;

(5) Procedures for receipt and consideration of information submitted by the public, and

(6) Procedures for site inspection and enforcement of control measures.

Guidance: Examples of sanctions to ensure compliance include non-monetary penalties, fines, bonding requirements and/or permit denials for non-compliance. The Board recommends that procedures for site plan review include the review of individual pre-construction site plans to ensure consistency with local sediment and erosion control requirements. Procedures for site inspections and enforcement of control measures could include steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water quality. The permittee is encouraged to provide appropriate educational and training measures for construction site operators. The permittee may wish to require a storm water pollution prevention plan for construction sites within the jurisdiction that discharges into the permittee's system. (See 9 VAC 25-31-220 R and 9 VAC 25-31-121 E 2) The Board may recognize that another government entity may be responsible for implementing one or more of the minimum measures on the permittee's behalf.

5. Post-construction storm water management in new development and redevelopment.
The permittee must:

a. Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts.

b. (1) Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community;

(2) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state, tribal or local law; and

(3) Ensure adequate long-term operation and maintenance by the owner of BMPs.

Guidance: If water quality impacts are considered from the beginning stages of a project, new development and potentially redevelopment provide more opportunities for water quality protection. The Board recommends that the BMPs chosen: be appropriate for

the local community; minimize water quality impacts; and attempt to maintain pre-development runoff conditions. In choosing appropriate BMPs, the Board encourages the permittee to participate in locally-based watershed planning efforts which attempt to involve a diverse group of stakeholders including interested citizens. When developing a program that is consistent with this measure's intent, the Board recommends that the permittee adopt a planning process that identifies the municipality's program goals (e.g., minimize water quality impacts resulting from post-construction runoff from new development and redevelopment), implementation strategies (e.g., adopt a combination of structural and/or non-structural BMPs), operation and maintenance policies and procedures, and enforcement procedures. In developing the program, the permittee should consider assessing existing ordinances, policies, programs and studies that address storm water runoff quality. In addition to assessing these existing documents and programs, the permittee should provide opportunities to the public to participate in the development of the program. Non-structural BMPs are preventative actions that involve management and source controls such as: policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space, including a dedicated funding source for open space acquisition, provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; policies or ordinances that encourage infill development in higher density urban areas, and areas with existing infrastructure; education programs for developers and the public about project designs that minimize water quality impacts; and measures such as minimization of percent impervious area after development and minimization of directly connected impervious areas. Structural BMPs include: storage practices such as wet ponds and extended-detention outlet structures; filtration practices such as grassed swales, sand filters and filter strips; and infiltration practices such as infiltration basins and infiltration trenches. The Board recommends that the permittee ensure the appropriate implementation of the structural BMPs by considering some or all of the following: pre-construction review of BMP designs; inspections during construction to verify BMPs are built as designed; post-construction inspection and maintenance of BMPs; and penalty provisions for the noncompliance with design, construction or operation and maintenance. Storm water technologies are constantly being improved, and the Board recommends that the requirements be responsive to these changes, developments or improvements in control technologies.

6. Pollution prevention/good housekeeping for municipal operations. The permittee must develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Using training materials that are available from EPA, state, tribe, or other organizations, the program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

Guidance: *The Board recommends that, at a minimum, the permittee consider the following in developing the program: maintenance activities, maintenance schedules, and long-term inspection procedures for structural and non-structural storm water controls to reduce floatables and other pollutants discharged from the separate storm sewers; controls*

for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas operated by the permittee, and waste transfer stations; procedures for properly disposing of waste removed from the separate storm sewers and areas listed above, such as dredge spoil, accumulated sediments, floatables, and other debris; and ways to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices. Operation and maintenance should be an integral component of all storm water management programs. This measure is intended to improve the efficiency of these programs and require new programs where necessary. Properly developed and implemented operation and maintenance programs reduce the risk of water quality problems.

B. Qualifying State, Tribal or Local Programs. If an existing qualifying local program requires the implementation of one or more of the SWMP minimum control measures, the permittee may follow that qualifying program's requirements rather than the SWMP requirements. A qualifying local program is a local, State or tribal municipal storm water management program that imposes, at a minimum, the relevant requirements of the permit SWMP.

The permittee's SWMP must identify and fully describe any qualifying local program that will be used to satisfy one or more of the minimum control measures.

If the qualifying local program the permittee is using requires the approval of a third party, the program must be fully approved by the third party, or the permittee must be working towards getting full approval. Documentation of the qualifying local program's approval status, or the progress towards achieving full approval, must be included in the annual report required by the permit.

C. Sharing Responsibility. The permit allows the permittee to rely on another entity to satisfy the VPDES permit obligations to implement a minimum control measure if: (1) the other entity, in fact, implements the control measure; (2) the particular control measure, or component thereof, is at least as stringent as the corresponding VPDES permit requirement; and (3) the other entity agrees to implement the control measure on behalf of the permittee. The agreement between the parties must be documented in writing and retained by the permittee with the SWMP for the duration of the permit.

In the annual reports that must be submitted, the permittee must specify that another entity is being relied on to satisfy some of the permit obligations.

If the permittee is relying on another governmental entity regulated as an MS4 under the VPDES Permit Regulation to satisfy all of the permit obligations, including the obligation to file periodic reports required by the permit, the permittee must note that fact in the Registration Statement, but is not required to file the periodic reports.

The permittee remains responsible for compliance with the permit obligations if the other entity fails to implement the control measure (or component thereof).

D. Evaluation and Assessment. The permit requires that the permittee evaluate program compliance, the appropriateness of the identified BMPs, and progress towards achieving the identified measurable goals. The permit also requires the permittee to submit annual reports to the Department by the first, second and forth anniversaries of the date of coverage under the permit. The annual reports must include:

1. The status of compliance with permit conditions, an assessment of the appropriateness of the identified best management practices and progress towards achieving the identified measurable goals for each of the minimum control measures;
2. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;
3. A summary of the storm water activities the permittee plans to undertake during the next reporting cycle;
4. A change in any identified best management practices or measurable goals for any of the minimum control measures;
5. Notice that the permittee is relying on another government entity to satisfy some of the permit obligations (if applicable), and
6. The approval status of any qualifying local programs (if appropriate), or the progress towards achieving full approval of these programs.

Attachment F

Small MS4 General Permit (VAR040)

General Permit No.: VAR040
Effective Date: December 9, 2002
Expiration Date: December 9, 2007

GENERAL PERMIT FOR STORM WATER DISCHARGES OF STORM WATER FROM SMALL
MUNICIPAL SEPARATE STORM SEWER SYSTEMS

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE
ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, this permit authorizes operators of small municipal separate storm sewer systems to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those waters specifically named in State Water Control Board (Board) regulation or policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Discharge Authorization and Special Conditions, Part II - Storm Water Management Program and Part III - Conditions Applicable To All VPDES Permits, as set forth herein.

PART I
DISCHARGE AUTHORIZATION AND SPECIAL CONDITIONS

A. Coverage Under This Permit.

During the period beginning with the date of coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge storm water from the small municipal separate storm sewer system identified in the Registration Statement.

B. Special Conditions.

1. Total Maximum Daily Load (TMDL) Allocations

If a TMDL is approved for any waterbody into which the small MS4 discharges, the Board will review the TMDL to determine whether the TMDL includes requirements for control of storm water discharges. If discharges from the MS4 are not meeting the TMDL allocations, the Board will notify the permittee of that finding and may require that the Storm Water Management Program required in Part II be modified to implement the TMDL within a timeframe consistent with the TMDL. Any such new requirement will constitute a case decision by the Board.

2. Releases of Hazardous Substances or Oil in Excess of Reportable Quantities.

The discharge of hazardous substances or oil in the storm water discharge(s) from the small MS4 shall be prevented or minimized to the maximum extent practicable in accordance with the applicable Storm Water Management Program required in Part II. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110 (2001), 40 CFR Part 117 (2001) or 40 CFR Part 302 (2001) occurs during a 24 hour period, the permittee is required to notify the Department in accordance with the requirements of Part III G as soon as he or she has knowledge of the discharge. In addition, the Storm Water Management Program required under Part II of this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the program must be modified where appropriate. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110 (2001), 40 CFR Part 117 (2001) and 40 CFR Part 302 (2001) or Section 62.1-44.34:19 of the Code of Virginia.

PART II
STORM WATER MANAGEMENT PROGRAM

A. The permittee must develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and the State Water Control Law. The storm water management program must include the minimum control measures described in paragraph B of this Part. For purposes of this Part, narrative effluent limitations requiring implementation of best management practices (BMPs) are generally the most appropriate form of effluent limitations when designed to satisfy technology requirements (including reductions of pollutants to the maximum extent practicable) and to protect water quality. Implementation of best management practices consistent with the provisions of the storm water management program required pursuant to this Part constitutes compliance with the standard of reducing pollutants to the "maximum extent practicable." The storm water management program must be developed and implemented within 5 years of the date of coverage under this permit.

B. Minimum control measures

1. Public education and outreach on storm water impacts.

Implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

2. Public involvement/participation.

At a minimum, comply with applicable state, tribal, and local public notice requirements when implementing the storm water management program.

3. Illicit discharge detection and elimination.

a. Develop, implement and enforce a program to detect and eliminate illicit discharges, as defined at 9 VAC 25-750-10, into the small MS4.

b. (1) Develop, if not already completed, a storm sewer system map, showing the location of all major outfalls and the names and location of all surface waters that receive discharges from those outfalls;

(2) To the extent allowable under state, tribal or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the storm sewer system and implement appropriate enforcement procedures and actions;

(3) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the system; and

(4) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

c. The following categories of non-storm water discharges or flows (i.e., illicit discharges) must be addressed only if they are identified by the permittee or by the Board as significant contributors of pollutants to the small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from fire fighting activities.

4. Construction site storm water runoff control.

a. Develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the small MS4 from construction activities that result in a land disturbance of

- greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the Board waives requirements for storm water discharges associated with small construction activity in accordance with the definition in 9 VAC 25-31-10, the permittee is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites.
- b. The program must include the development and implementation of, at a minimum:
 - (1) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state, tribal, or local law;
 - (2) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
 - (3) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality; orProcedures to ensure that construction site operators have secured or will secure a VPDES construction permit;
 - (4) Procedures for site plan review which incorporate consideration of potential water quality impacts;
 - (5) Procedures for receipt and consideration of information submitted by the public, and
 - (6) Procedures for site inspection and enforcement of control measures.
 - c. Track regulated land disturbing activities and submit the following information for the reporting period with the annual report required in Part II E 2:
 - (1) Total number of regulated land disturbing activities; and
 - (2) Total disturbed acreage.
5. Post-construction storm water management in new development and redevelopment.
- a. Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts.
 - b.
 - (1) Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community;
 - (2) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state, tribal or local law; and
 - (3) Ensure adequate long-term operation and maintenance by the owner of BMPs.
 - (4) If the MS4 discharges to the Chesapeake Bay watershed, track all permanent BMP's installed in the MS4 (structural and non-structural), and submit the following information with the annual report required in Part II E 2:
 - (a) type of BMP installed;
 - (b) geographic location (Hydrologic Unit Code);
 - (c) waterbody the BMP is discharging into;
 - (d) number of acres treated;
 - (e) whether or not the BMP is inspected or maintained; and
 - (f) how often the BMP is maintained (quarterly, annually, etc.).
6. Pollution prevention/good housekeeping for municipal operations.

Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Using training materials that are available from EPA, state, tribe, or other organizations, the program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

C. Qualifying State, Tribal or Local Program

If an existing qualifying local program requires the implementation of one or more of the minimum control measures of Part II B, the permittee may follow that qualifying program's requirements rather than the requirements of Part II B. A qualifying local program is a local, State or tribal municipal storm water management program that imposes, at a minimum, the relevant requirements of Part II B.

The permittee's storm water management program must identify and fully describe any qualifying local program that will be used to satisfy one or more of the minimum control measures of Part II B.

If the qualifying local program the permittee is using requires the approval of a third party, the program must be fully approved by the third party, or the permittee must be working towards getting full approval. Documentation of the qualifying local program's approval status, or the progress towards achieving full approval, must be included in the annual report required by Part II E 2.

D. Sharing Responsibility

The permittee may rely on another entity to satisfy the VPDES permit obligations to implement a minimum control measure if: (1) the other entity, in fact, implements the control measure; (2) the particular control measure, or component thereof, is at least as stringent as the corresponding VPDES permit requirement; and (3) the other entity agrees to implement the control measure on behalf of the permittee. The agreement between the parties must be documented in writing and retained by the permittee with the Storm Water Management Program for the duration of this permit.

In the annual reports that must be submitted under Part II E 2, the permittee must specify that another entity is being relied on to satisfy some of the permit obligations.

If the permittee is relying on another governmental entity regulated under 9 VAC 25-31-120 to satisfy all of the permit obligations, including the obligation to file periodic reports required by Part II E 2, the permittee must note that fact in the Registration Statement, but is not required to file the periodic reports.

The permittee remains responsible for compliance with the permit obligations if the other entity fails to implement the control measure (or component thereof).

E. Evaluation and Assessment

1. Evaluation

The permittee must evaluate program compliance, the appropriateness of the identified best management practices, and progress towards achieving the identified measurable goals.

2. Annual Reports

The permittee must submit an annual report to the Director by the first, second and fourth anniversaries of the date of coverage under this permit. The reports must include:

- a. The status of compliance with permit conditions, an assessment of the appropriateness of the identified best management practices and progress towards achieving the identified measurable goals for each of the minimum control measures;
- b. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;

- c. A summary of the storm water activities the permittee plans to undertake during the next reporting cycle;
- d. A change in any identified best management practices or measurable goals for any of the minimum control measures;
- e. Notice that the permittee is relying on another government entity to satisfy some of the permit obligations (if applicable), and
- f. The approval status of any qualifying local programs (if appropriate), or the progress towards achieving full approval of these programs.

F. Program Modifications

The Department may require modifications to the Storm Water Management Program as needed to address adverse impacts on receiving water quality caused, or contributed to, by discharges from the MS4. Modifications requested by the Department shall be made in writing and set forth the time schedule to develop and implement the modification. The permittee may propose alternative program modifications and time schedules to meet the objective of the requested modification. The Department retains the authority to require any modifications it determines are necessary.

PART III
CONDITIONS APPLICABLE TO ALL VPDES PERMITS

NOTE: Monitoring is not required for this permit. If you choose to monitor your storm water discharges or BMP's in support of your Storm Water Management Program, you must comply with the requirements of subsections A, B, and C, as appropriate.

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 (2001) or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Records.

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least 3 years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the Department's regional office.
2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 (2001) or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information.

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports.

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges.

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part III F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part III F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges.

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery

of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance.

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:

- a. Any unanticipated bypass; and
- b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within 5 days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part III I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts III I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Parts III G, H and I may be made to the Department's Regional Office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes.

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

- (1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or
- (2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;

- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements.

- 1. Registration Statement. All registration statements shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a public agency includes:
 - (1) The chief executive officer of the agency, or
 - (2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- 2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part III K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Part III K 1;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - c. The written authorization is submitted to the Department.
- 3. Changes to authorization. If an authorization under Part III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts III K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 90 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit.

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part III U), and "upset" (Part III V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance.

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges.

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III U 2 and U 3.
2. Notice
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III I.
3. Prohibition of bypass.
 - a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Part III U 2.
 - b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part III U 3 a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required in Part III I; and
 - d. The permittee complied with any remedial measures required under Part III S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry.

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this subsection, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions.

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
2. As an alternative to transfers under Part III Y 1, this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the Department at least 2 days in advance of the proposed transfer of the title to the facility or property;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

Z. Severability.

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

Attachment G

Registration Statement Form and Instructions

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES)
GENERAL PERMIT REGISTRATION STATEMENT FOR STORM WATER DISCHARGES
FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS [VAR040]

(Please Type or Print All Information)

1. Regulated Small MS4

Name: _____

Location (County or City): _____

2. Regulated Small MS4 Owner

Name: _____

Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

3. Name(s) of the receiving water(s) into which the small MS4 discharges: _____

4. Attach a description of the Best Management Practices (BMP's) that the owner or another entity proposes to implement for each of the following storm water minimum control measures:

- (1) public education and outreach on storm water impacts,
- (2) public involvement/participation,
- (3) illicit discharge detection and elimination,
- (4) construction site storm water runoff control,
- (5) post-construction storm water management in new development and redevelopment, and
- (6) pollution prevention/good housekeeping for municipal operations.

5. For each of the BMP's described in (4), list the measurable goals for each BMP including, as appropriate, the years in which the required actions will be undertaken, including interim milestones and the frequency of the action.

6. Attach a list of the person or persons responsible for implementing or coordinating the small MS4 storm water management program.

7. Certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Print Name: _____ Title: _____

Signature: _____ Date: _____

For Department of Environmental Quality Use Only

DEQ-WATER FORM **SWGP-MS4-001-RS** (12/02)

Accepted/Not Accepted by: _____ Date: _____

Basin _____ Stream Class _____ Section _____ Special Standards _____

INSTRUCTIONS for DEQ WATER FORM *SWGP-MS4-001-RS*
VPDES GENERAL PERMIT REGISTRATION STATEMENT FOR STORM WATER
DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS [VAR040]

WHO MUST FILE THE REGISTRATION STATEMENT

This registration statement must be completed and submitted by any regulated small MS4 requesting coverage under the above general permit for storm water discharges.

1. Owners are regulated if they operate a small MS4, including but not limited to systems operated by federal, state, and local governments, including the Virginia Department of Transportation; and:
 - a. The small MS4 is located in an urbanized area as determined by the latest Decennial Census by the Census Bureau. If the small MS4 is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated; or
 - b. The small MS4 is designated by the Board.
2. An MS4 may be the subject of a petition to the Board to require a VPDES permit for their discharge of storm water. If the Board determines that an MS4 needs a permit, the owner may use this registration statement to apply for coverage under the above general permit.

WHERE TO FILE THE REGISTRATION STATEMENT

The completed registration statement and application fee of \$600.00 should be sent to the Department of Environmental Quality Regional Office that serves the area where the small MS4 is located.

COMPLETENESS

Complete all items except where indicated in order for your registration statement to be accepted. Attach separate sheets of paper for Items 4 (Description of BMP's), Item 5 (Measurable Goals), and Item 6 (Responsible Persons).

DEFINITIONS

BMP's means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Owner means the Commonwealth or any of its political subdivisions, including, but not limited to, sanitation district commissions and authorities, and any public or private institution, corporation, association, firm or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of Section 62.1-44.5 of the Law.

Small MS4 means all separate storm sewers that are: (1) Owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under subsection 208 of the CWA that discharges to surface waters; and (2) Not defined as "large" or "medium" municipal separate storm sewer systems, or designated under 9 VAC 25-31-120 A 1. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or

prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

LINE BY LINE INSTRUCTIONS

Item 1. REGULATED SMALL MS4

Provide the **name** of the regulated small MS4.

Provide the **location** (county name or city name) where the small MS4 is located.

Item 2. REGULATED SMALL MS4 OWNER

Provide the **name** of the owner of the regulated small MS4.

Provide the small MS4 owner's **address**.

Provide the small MS4 owner's **city, state, zip code** and **phone number**.

Item 3. RECEIVING WATER(S)

Provide the **names(s) of the receiving water(s) into which the small MS4 discharges**.

Item 4. DESCRIPTION OF BMP's

Attach a description of the **Best Management Practices** (BMP's) that the owner or another entity proposes to implement for each of the six storm water minimum control measures.

Item 5. MEASURABLE GOALS

For each of the BMP's described in Item 4, list the **measurable goals** for each BMP including, as appropriate, the years in which the required actions will be undertaken, including interim milestones and the frequency of the action.

Item 6. RESPONSIBLE PERSON(S)

Attach a list of the person or persons that will be responsible for implementing each of the small MS4 storm water management program minimum control measures.

Item 7. CERTIFICATION

State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:

(1) For a corporation: by a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means:

(a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

(b) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a public agency includes:

(a) The chief executive officer of the agency, or

(b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

